

As will be seen

LETTER

A N D

REMONSTRANCE, &c.

To the RIGHT HONOURABLE

PHILIP Lord HARDWICKE,

Lord High Chancellor of Great Britain,

ARTHUR ONSLOW, Esquire,

Speaker of the House of Commons,

A N D

Mr. ATTORNEY and Mr. SOLICITOR GENERAL,

F R O M

Sir ALEXANDER MURRAY, of Stanhope, Baronet.

In Relation to

A PETITION, and some PROPOSALS, which he Addressed
last Sessions to Both Houses of Parliament.

W H E R E I N

The Miserable State of SCOTLAND, from the Slavish Dependance of the
People on a Few Families, and the Great Danger thence arising to
GREAT BRITAIN, are considered.

W I T H

A New Method of Improving all the different Products of our Lands and
Waters, and Paying off the NATIONAL DEBTS.



L O N D O N :

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[Price One Shilling.]

LETTER

TO THE

Lord High Chancellor, &c.

TH^O' the enclosed additional Memorial, or Remonstrance, in relation to the Papers which I humbly addressed to both Houses of Parliament last Session, is design'd for the Perusal of every Member of Parliament, yet, I thought it my Duty thus, first, to address it to you, and to Mr. Attorney and Mr. Solicitor General, before I send Copies of it to the other Members, for the Reasons given Page 5. which, for saving your Time, I forbear to repeat: And tho' I cannot expect that Persons, whose Time is so very much taken up, can be at Leisure to read over so long a Paper, yet, for the Reasons given, Page 4. I do, both in Justice and Charity, expect, that you and they, will put it, and my other Papers, into the Hands of disinterested and impartial Persons, known in the Laws and Forms of Parliament, who may make an Abstract, and report the Substance of them to you; and who may, with you, and the other honourable Persons, help me with your Counsel, that the Merits of my Petition of Rights and Grievances, and Proposals for advancing the *Common Good*, and preventing the *Common Evil of Great Britain*, contained in those Papers, may have a fair and open parliamentary Hearing and Tryal, which is all I ask.

London, December 8. 1739.

I am, &c.

ALEXANDER MURRAY.

T H E

M E M O R I A L :

O R,

R E M O N S T R A N C E, &c.

Humbly Sheweth,

THAT tho' ever since I did myself the Honour (during last Session of Parliament) to apply to you, and to lay my humble Petition of Rights and Grievances, together with some Proposals for the *common Good*, before the Parliament, I have been struggling with the most urgent Difficulties, and even with extream Necessities altogether occasioned by manifest Oppressions, and the Want of common Justice, and due Protection, from those entrusted with the Execution of the Laws in *Scotland*; and tho' my said Necessities strongly urged me to desire to have had the Merits of my said Petition and Proposals then taken under the Consideration of Parliament, yet I was forced to delay moving farther in it at that Time, not only because both Houses were taken up about publick Armaments, and other Matters of the greatest Moment, which required immediate Dispatch, but because the Truth and Solidity of several Things contained in my Papers (being founded upon some natural Principles, Rules, and Observations, concerning the general Theory of the Earth, and the particular State of *Scotland*) which were altogether new and uncommon, and contrary to the received Opinions of Mankind, were therefore doubted even by many well-meaning and intelligent Persons, and the rather, because my Oppressors (and the Oppressors of their Country) had endeavoured, for many Years (by the various Arts and Calumnies of Faction) to prejudice and prepossess the Minds of Mankind against every Thing coming from me, in order to cover their own publick and private Crimes, and to lessen the Weight and Force of my Complaints and Accusations against them; and particularly some of them did represent my Papers, published and dedicated to Sir *Robert Walpole* in 1732-3, as well as those which I addressed to the Parliament last Year (even before they were read or opened, and before they knew what was contained in them) as not worthy of any Notice or Regard, because coming from a Person of a frantick Brain, as was cruelly insinuated.

As it appears from my Papers that I had frequently experienced such Calumnies, and therefore expected the Continuance of them; and as my retired Way of Life, and Difficulties of Fortune, these many Years past, have kept me unknown to you — and to most of all the other Members of both Houses, it therefore became necessary for me to give every Person Time to be dispossessed of these Prejudices: Besides, I thought it likewise but reasonable, as well as necessary, that you — and every other Senator, should have Time, during the Recess of Parliament, not only to cause Examine into the Truth of the Facts and new Principles upon which my Projects and Proposals are founded, but likewise to consult the Sense of the Nation, concerning the Practicability and Utility of the several Matters (mentioned in the said Papers) which I have humbly proposed to be put in Execution.

These Considerations obliged me to continue in Silence, struggling with my Necessities, till now that the Parliament is again met, when I hope you — and the other Members of both Houses (having had Time and Opportunity of finding out the Truth of the Facts and Principles which I have advanced, and the universal Utility of the several Proposals founded upon them) will therefore judge it consistent with Law, and the common Good, as well as with common Justice, to discountenance and disregard all such ungenerous Calumniators, and to redress my Grievances, and the common Grievances of your Fellow Citizens in *Scotland*; and that you will find it is absolutely necessary for the common Safety, not to suffer the Life, Liberty, Property, and Reputation of any Person who lives, or has any Concerns in *Scotland*, any longer to remain under the slavish and dangerous Dependance on the arbitrary

and *more than kingly* Wills, Powers and Influence of a few *Scotch* Families, and their absolute Subtleties and Dependants: That you will not suffer the Laws to be longer abused, kept hid, and crammled upon, and rendered vain and precarious; and the very first Foundations, Definitions and fundamental Distinctions of our natural Rights, Liberties and Properties, to be called in Question, and sapped, undermined, inverted, perverted and destroyed by the Criminal Omissions and Commissions of those very Persons who are entrusted and appointed to be the Guardians of our Laws, Rights, Liberties and Properties in *Scotland*: That you will not suffer me and my Partners, with our Creditors and Lessees of our Mines, to be longer oppressed, and even the general Peace, Industry, Improvement, Safety, and good Government of so considerable a Part of our Country, obstructed and damaged, and totally endangered by the undue and over-grown Influence of those hurtful, disnaturated and dangerous heretable Powers in *Scotland*, of which I complained: That you will not suffer my Family, and many of my Creditors, Friends and Servants, who have honestly and industriously contributed their Endeavours towards advancing the common Good and Improvement of their Country, to be totally ruined by manifold Oppressions; and that you will not suffer me to be forced to a Gaol, or to leave my Country, after having spent so many Years in constant Fatigue, and ventured my All in its Service, and after having been enabled, not only to do it considerable Service, in finding out so many valuable Mines, and other useful Branches of Industry, and Bread and Employment for many hundred Persons, who wanted both, and in those Parts of our Country where all such useful and industrious Works were almost wholly unknown, and are most wanted towards preserving the *Balance of Power*, Peace and Safety of those Parts, as well as for the common Utility of the State, but likewise to be the first Discoverer and Publisher of so universally useful a Project or Expedient, as that of the Circular Dead Level, or rather (a) Serpentine, Canals, &c. which I have proposed in the said Papers. Which Expedient (besides the other useful and, hitherto, unobserved Things hinted in the said Papers) I venture to assert, must even of itself obviously appear to all impartial, unenvious and intelligent Persons, to be the most universally useful and beneficial Discovery and Proposal, as well for the Interest of all particular Persons of all Ranks, as for the general Interest of the State, that hath been made to this, or any other, Nation these many Years.

I am not insensible, that not only my Oppressors, but even all those who do not know me, will (and may) object, that it is an immoderate Degree of Pride and Resentment in me, to appear so fond of my own Projects, and with so much Warmth against those who have opposed me: But since what I say to the Advantage of this Project is no more than what I think it deserves; since all my Proposals are honestly intended for the common Utility, and even Safety, of the State; since God (who knows my Heart) knows that I attribute this, and all other useful Discoveries which I, or any other Person, ever made, or possibly can make, publick, and even the Merit of our Good Will and Intentions, wholly to His Power and Goodness; since all obstinate and deliberate Oppressors are hurtful to the common Good, and Enemies to Mankind and their Country, against whom we cannot possibly be over zealous; and since by my long Silence the Calumnies of my Oppressors have so far poisoned the Minds of Mankind, that my said Proposals (tho' so evidently tending to the Improvement and Advancement of the common Good, equal Union, Liberty, Strength, and even Safety, of all the Dominions and Subjects of *Great Britain*) have been thereby, these several Years, and still are, in Danger of being stifled, discredited, and kept hid from the Knowledge of the Publick; and since my, perhaps, too long silently and patiently suffering their Calumnies, and my general and modest (b) *Complaints* made to Sir *Robert Walpole* in 1732-3, and my other Endeavours towards a just and honourable private Accommodation, have hitherto had no good Effect, but, on the contrary, since my Oppressors have daily proceeded from Evil to worse, and seem to think themselves, and their factious Dependants, possessed of Power above the Reach of all common Law and Justice: For these, and several other, Reasons, as I was (and still am) obliged to express myself with a just Warmth against them as obstinate and deliberate Betrayers and Abusers of Law and Order, and Oppressors of my Country, as well as of myself and my Family, so I was, and still am, determined openly and publickly to prosecute them as such, unless they immediately do that publick and private Justice to their Country, and to me and my Family and Creditors, &c. which I have required at their Hands: Neither could (or can) I omit this without a Crime; for, as it would be a highly criminal Omission, and even one of the greatest (if not the very greatest) of all treasonable Omissions, not to defend the Laws and the natural Rights and Liberties of Mankind and our Country, and not to complain against all such Persons and Powers as do obstinately continue, in cold Blood and wilfully, to violate, hurt and obstruct them and the common Good; and as no Persons, who have a due Love and Passion for the Laws, Liberties and common Good of Mankind and their Country, and who are not (like *Cataline* and *Cesar*) *Cuius libet rei Simulacra*, (c) can possibly speak coolly of their Oppressors, so it were a highly criminal Baseness in me not to support and recommend my Projects with all my Power, since, in my Conscience, I think they will evidently tend to the common Good, and even Preservation, of my Country: Neither can my Zeal, even against my private Oppressors, be blamed by any worthy and intelligent Persons; for tho' we are obliged, as Christians, to go through evil and good Report with Humility and Patience, and to be always ready to forgive all private Injuries, however grievous, which do only affect ourselves, or which proceed from humane Infirmities, and simple and sudden Passions, yet it is no Virtue, neither have we Power (but it is highly criminal in us) to pass over any such Injuries, Crimes and Calumnies, as proceed from cool and deliberate Envy, and Malice propense, and tend not only to diabolize us to be useful to our Country, as the Character of a Fool or a Madman doth, but which do feloniously

(a) See my *Papers* dedicated to Sir *Robert Walpole* in 1732-3, p. 71.

(b) Ibid. p. 12, &c.

(c) Omnes homines P. C. qui de rebus dubiis Consultant, ab odio, amicitia, ira acque Misericordia vacuos esse decet, &c. Bene & Compositè Caius Cæsar de vita & Morie diffinit, &c. See *Julius Cæsar* and *Cato's* Speeches in the Roman Senate upon *Cataline's* Conspiracy in Salust.

ously, and even treasonably, hurt and obstruct the common Good and general Improvement, and even Safety, of our Country, as in the present Case.

For I submit it to the publick Justice of the Nation, and to the common Sense and Reason of all Mankind, if there can possibly be any clearer and more self-evident Proof and Indication of Persons being publick, as well as private, Oppressors, and possessed with malicious, envious and felonious Hearts, Wills, and Intentions, than when they do thus discover themselves to be so wicked and abar-doned, as not only to attempt deliberately, and in cool Blood, by Calumnies, and the constant Tenor of their Lives and Actions, to murder the Reputation of any Fellow Citizen, and to condemn him, or his Proposals, without so much as any fair Trial or Hearing, but do even suffer their Personal, Party, or Family Envy and Malice to proceed so far as coolly and deliberately, for Tracts of Years together, to continue such a Conduct, and to hurt and obstruct, and (as far as they can) totally defeat all Attempts towards the Liberty and Industry of their native Country, and the general Happiness, Union and Improvement of the whole Island, by thus maliciously and enviously discrediting such obviously plain advantageous publick Works and Undertakings, as those in which I have been constantly employed these many Years; and by opposing and discrediting, and endeavouring to turn into malicious Ridicule, and preventing the putting in Execution so self-evidently plain, and universally useful, Husbandry and Mineral Projects, as those which I have proposed; and all this merely to gratify their insatiable, boundless and dangerous Ambitions, Avarice, Malice and Envy, or other vile self private-spirited Passions.

All which publick and private Crimes, are the more inexcusable in them, that they cannot pretend Ignorance, or that I ever first broke the Peace, or injured any one of them; but, on the contrary, I am ready to make it appear, that I have returned most of them Good for Evil; have had long Patience and Forbearance, and have given several of them private Warnings (which their several treacherous and base Practices and Proceedings did not deserve) begging them to prevent the Necessity of a publick Prosecution; so that they can pretend to have no other Cause of Quarrel against me, or their Country, but that we have had the Misfortune to be oppressed by them, and that they are self-conscious that I have discovered, and that I am able to lay open, their several Crimes; and to prove them, by the whole Tenor of their Lives and Actions, to be self private-spirited, envious and malicious Persons, Breakers and Violators of the Laws, and of all good Order and Government, and Invaders of the common Rights, Liberties and Properties of their Fellow Citizens, and Enemies and Obstructors of the Industry and Improvement of their Country: For it is the Nature of all publick and private treacherous Persons and Oppressors, to hate, and seldom ever to be able to forgive, those they have ungratefully betrayed and oppressed: *Naturale est Odisse quos læserint*, as was observed by one of the most judicious of the Ancients (d); or, as one of our Poets has it,

“Forgiveness to the Injur’d doth belong,
“But they ne’er pardon who have done the Wrong.”

Or, as the Great Sir *Walter Raleigh* justly expresses it, “It is natural for all publick Oppressors, like other private Felons and Sharpers, to take the first Word of Scolding, to cry out Whore, and Rogue, and Fool first, and to calumniate those they have once basely cheated, betrayed and oppressed; and then to endeavour to (e) cover their shameful Guilt, by adding Injury to Injury, and thereby totally to ruin and murder those they have once injured, and betrayed, and calumniated under Trust.”

Against such Sort of Criminals one cannot possibly shew too much Zeal or Passion, since the common Safety is endangered, and every-body is to be alarmed and put upon their Guard in such a Case, for our Passions are not given us in vain, nor is it either our Duty (or, perhaps, possible for us) wholly and absolutely to subdue them: For, as the ingenious Doctor *Stanhope* justly observes, “God, who contrived, and consequently must be best acquainted with our Frame, found them necessary to inspire and invigorate our heavy Mass: He saw that thus to ease us of all our Pains, would be at the same Time to rob us of all our Pleasures: And for this Reason he hath made Promises and Threatnings, Rewards and Punishments, the Gayeties and Anxieties of Heart (all which are but so many different Ways of working upon our Passions) the most proper and powerful Intluements to the best Religion in the World; so that, in Truth, the main (I might say the whole) of our Duty, and Happiness consists not in stifling these Affections, and condemning them to a State of utter Inactivity, but in moderating and regulating them: And no Degree of Love, Hatred, or Desire, or Fear, or Anger, or Grief, or any other *simple Passion*, can be too intense, when placed upon worthy Objects, and directed to worthy Ends.”

I submit it, therefore, to the Justice of the Nation, if there be any Object and End under Heaven so worthy of our passionate Love and Zeal, as the *common Good* and charitable Union, Happiness, Liberty and Improvement of Mankind and our Country; and consequently if, *e contra*, there can possibly be any such hateful Objects as those who (like the Devil) do thus wilfully and deliberately oppose them, and break through and destroy all good Laws, Order, Government and Society, and hurt and obstruct the common Good and Improvement of their Country, by such a long Continuance of Oppressions and Calumnies. And I appeal to the Consciences of all thinking Persons, if it be not even a Crime of the very first Magnitude, to suffer such Criminals, who remain obstinate, to pass unpunished and unpunished: For, as all those who do not prevent, prosecute and punish all wilful Murders and Oppressions, when it is in their Power to prevent, prosecute and punish them, are accessory to,

(d) Tacitus.

(e) *Sceleris Sceleribus tuenda.* Tacitus.

and guilty of, the Murders and (f) Oppressions ; so all those who do not resist and oppose, so far as they can, all publick, obstinate and wilful Injurers and Oppressors, are just as much Criminals as those who basely desert the Defence of the Laws, Rights, Liberties, Industry and Improvement of their Country, because they thereby discourage all the Publick-spirited, and encourage all the self private-spirited Part of Mankind.

The End and Intention therefore of this my second humble Representation, is to exoner myself, by thus calling upon your Justice, and the Justice of every other virtuous Judge and Member of Parliament, to protect me, and the Merits of my Petition and Proposals, against all such ungenerous and base Weapons, and Arrows of Faction and Calumny, thus shot at me, either by false and treacherous Fellow Citizens in the Dark, or from unfair Heights of lawless, subordinate, executive Power and Faction, against which no Person, no Family, no Cause, and even no State, is Proof ; and by which alone my Family has been well-nigh wholly ruined, and my Mineral and Husbandry Projects and Methods (so evidently tending to the common Good and Improvement of all our Country) have been hitherto, for many Years together, greatly hurt and obstructed ; that, by your Interposition, and the Interposition of Parliament, such wicked Artifices, factious Conspiracies, Treacheries and Calumnies of false Friends, and Courts of Inquisition, and corrupt Executioners of our Laws in *Scotland*, may neither longer hinder me from (the undoubted Right and Privilege of every Fellow Citizen) having the Merits of my Petition of Rights and Grievances, and Proposals for the common Good, brought to a fair and open Parliamentary Hearing and Trial ; nor our Fellow Citizens from the Benefits which may easily be made to arise to them all, from their Knowledge of the plain, obvious and self-evident Methods which I have proposed, of improving all the different Products of our Lauds and Waters, and by which our whole Country might have been vastly benefited before this Time, had not my Proposals been stifled and turned into malicious Ridicule, by my said Oppressors, and the Oppressors of their Country.

A fair and open Parliamentary Hearing and Trial, or a fair and open Trial before any impartial and disinterested Jury, is all I ask ; and is what, I dare say, you, and every other good Magistrate, Judge and Senator, will readily acknowledge, is the undoubted Duty, as well as the natural Right, of every Fellow Citizen, who finds himself and his Country hurt and oppressed, and the Laws violated and misinterpreted by subordinate Power, or who has any thing new to offer for the common Utility, to ask, and the undoubted Duty of every good Magistrate, Judge, or Senator *readily to grant* ; being what was never refused under any good free Government, or Parliament, no not by any good-natur'd, absolute Government, or supreme Administration whatsoever ; for, however absolute they be in their own Acts, and tho' they will not suffer their own Will and Power to be called in Question (g) yet they never suffered their Ministers and subordinate Officers and Executioners of Law and Justice, to pretend to such absolute Will and Power ; nor did I ever hear of giving either publick or privy Seals, or Commissions, to enable them to act above, or deviate from, the Laws, and to oppress those they are bound and expressly appointed to protect ; and to turn those very Laws, which by the supreme Authority are made for their own and the common Safety and Defence of the People, to become the very Instruments of their Destruction, by their wicked Partialities and Corruptions, false and felonious Interpretations, and other wilful and deliberate felonious Acts of Ommission and Commission, and Violations of all good Order, Law and Justice, and the common Good, Liberty, Trade, Industry, and Improvement of the Country : All which I undertake to prove against my Oppressors, whom I therefore call the Oppressors of Mankind and their Country.

As to Favour, I neither dare nor will sollicite you, or any other Judge or Member of Parliament, for any, further than the Justice and Merits of my Cause, and my Good-will and Intentions for the common Good of my Country, shall, upon a fair Trial, be found to deserve : And as I never did so much as once in my Life, sollicite any Statesman, Judge, or Member of Parliament, for any Favour for myself, nor ever made any of them the Complement of any one Vote, against what I thought my Duty to my Country, while I had the Honour to sit in Parliament ; so, notwithstanding my present urgent Difficulties, I would not accept of any Favour or Reward, which I thought in the least inconsistent with Justice, or the Interest of my Country ; and therefore I have hitherto avoided all private Solicitations on this Occasion, as you, and all Mankind, must bear Witness : On the contrary, I with there were a Law pass'd, making all private Solicitations highly criminal, especially in all Projectors and Accusers : And I with all Accusers and Projectors were obliged to offer their Accusations and Projects first to the Parliament, before applying to any Minister or Ministry whatsoever ; and that we were obliged to appear with Cords about our Necks, and to be put upon Juries of the Parliament, or any other disinterested Juries of our Country, to be either rewarded or punished according as what we propose is found true or false, and for or against the common Good : Which Trial, I thank God, I am not afraid to undergo.

As to this Paper, and the other Letters and Papers I published and dedicated to Sir *Robert Walpole* in 1732-3, and those which I did myself the Honour to lay before you last Session of Parliament, they are of a publick Nature, and such as I did, and still do, design first for the Use and Perusal of my Country, and then of all Mankind : And as the Papers I laid before both Houses last Session, do shew some of the Reasons which induced, and even forced, me to the extraordinary Method I then took,

(f) Duo sunt injustitiae Genera, Unum Eorum qui inferunt, Alterum eorum qui abiiis, quibus inferunt si possint non propulsant Injuriam Cicero. Et qui non Repellat a Socio & Patria injuriam cum possit, tam est in Vitio quam ille qui facit & qui Parentes Socios & Patriam deserit, &c. Expediit enim & Interest Reipublicae Delicta esse Cognita & Punita, & qui non impedit cum possit idem facit, cum occidente, &c.

(g) Et quamvis necessitati cedere & temporibus inservire semper sapientis habitum est, & quo modo sterilitatem aut Nimbios imbres, & cetera Natura Mala ita Vita Dominantium tollere debemus, as both Cicero and Tacitus do observe.

took, so I think it my Duty thus to lay before you, and the Publick, the Reasons for this my further humble Representation to you and Mr. Attorney and Solicitor General, some Time before I send Copies of it to the other Members of both Houses, viz.

I. Because you have already perused my Papers laid before both Houses last Session, so that you, and such other of the Members as read them, while in the Hands of the Clerks of both Houses, do best know their Relation and Connection with what is further added in this Paper.

II. Because it is Mr. Attorney and Mr. Solicitor General's particular Province, as general Lawyers and Ministers for the common Good of the People, as well as of the Crown, to examine and search the Records in all Cases, where any real or pretended new and useful Invention, or Discovery, or Proposal for the common Good, is made to the Publick by any Person, and to report their Opinion, whether any such Proposals do, or do not, contain some Things new, or whether they are, or are not, for the universal Utility of Mankind and their Country.

III. Because it is as much the undoubted natural Duty and Province of every Person, especially of every Member of Parliament, and yet more especially of all Persons in your high Stations, to contribute your Endeavours in protecting and encouraging all useful and industrious Persons, and towards having all first Inventors and Publishers of Things for the Utility and Safety of the Publick (*b*) rewarded, as it is our common Duty to contribute our Endeavours towards discouraging and punishing all idle and hurtful Persons, especially all such as wilfully and maliciously project and publish, and attempt to execute, any Projects or Expedients which evidently tend to hurt, obstruct, or destroy the common Good.

IV. Because in all Parliamentary Trials of Affairs of this Nature, all Persons in my Case have a Right to call upon your Counsel and Assistance, and the Counsel and Assistance of all such of the general Judges and Lawyers of the Crown and People, and of the Members of both Houses of Parliament, as they think best disposed and most able to help and protect them and the common Cause of the Publick, and even to plead for us in all Points of Law, to put our Case in a proper Dress and Form, and to supply, by your superior Abilities, our Wants and Weaknesses; and to support and protect us against the manifold Dangers and Disadvantages attending all such publick Vindications, Accusations and Projects; and to guide us so, that neither our Zeal in the just Defence and Vindication of our Laws and natural Rights and Liberties, may hurt us on the one Hand, nor our Ignorance and Fear of offending the strict Laws and Orders of Parliament, may make us deficient in our Duty to our Country on the other Hand, by omitting to say or do any thing which becomes necessary in Defence of this our first and greatest of all social Duties; and since I am in my Conscience persuaded that, upon a fair Parliamentary Hearing or Trial, several Things I have proposed in my Papers (however weakly, confusedly, or too prolixly expressed) will nevertheless be found altogether new and universally useful, and, in every Respect, as much for the Utility, and even Safety, of *England*, and all the Dominions of *Great Britain*, as of my native Country of *Scotland*: Therefore, as I do naturally depend upon the Assistance of God, and all Lovers of Mankind and their Country, so, in a more particular Manner, *et ex Officiis*, I expect that you, and the other honourable Persons above-mentioned, and all other publick-spirited Persons known in the Law, will help to prepare and plead my Cause for me; and the rather, because I do declare, before God and the World, that I have hitherto had nobody to assist me, nor Money to see and pay proper private Counsel: Neither am I so far as concerns myself ashamed thus to appear *in forma pauperis*, or immoderately troubled at it, or on account of my Oppressions and Difficulties, but, on the contrary, they who have oppressed me, and they who have not (as they ought) defended me from Oppression, have only Reason to be ashamed, whilst I, by God's Goodness, have felt, and have Reason in all Events to hope for the Continuance of that Ease, and even Pleasure of Mind, under my most urgent Difficulties, which always must attend such who suffer for having a Good-will and Intention for the Good of Mankind and their Country, to which all selfish Persons, especially all wilful and deliberate Oppressors of their Country and Fellow Citizens, must be Strangers, and consequently must, in spite of all the Honours, Riches and Pleasures of the World, be wretchedly miserable in their own Breasts.

Depending, therefore, that you, and the said other honourable Persons, will represent the Contents of my Petition and Proposals, to both Houses, in the most charitable, shortest and clearest Light, that I may have a fair Trial and Hearing, which is all I desire, I shall avoid, as much as possibly I can, the repeating of what I have advanced in my former Papers; only, in order further to convince every Person of the Certainty of the Fact I advanced, concerning the universal (hitherto unobserved) regular, natural Communication and Joinings of all Parts of all Continents, by means of the regular Chains of their Mountains and Hills, &c. which is the Foundation of the proposed Scheme of greater and lesser Canals; as also, in order to convince all the impartial Part of Mankind, how easily, and how much more effectually, the Peace of our remote Highlands and Islands may be kept, secured and preserved from all domestick Thefts, Robberies, and other Breaches of the Peace, and from all foreign Invasions, or hurtful Smugglings; and how the Inhabitants of these Parts may be made universally vastly more useful and industrious (by being made free, and delivered from their present slavish, private Dependences, and by guarding those Coasts and Islands with deck'd Sloops, mann'd with

Marines,

(*b*) Rewards and Punishments are the great Hinges and Supports of all States, and of all good Laws and Government; and without them, every thing must fall into the utmost Confusion and Ruin.—Nec Domus, nec Respublica stare potest, si in ea nec Recte factis Præmia extent illa, nec supplicia Peccatis. Cicero. — Suadet Aequitas quæ publicam causam sequitur, ut ne re sua aut præritio Careat ille qui prohibet omnibus. Aequissimum enim est, emanata Contributione Retrahiatur Damnum quod ab omnibus Datum. L. 1. §. 2. *Reod. de J. 2.*

Marines, chosen promiscuously out of all our different Clans and Families, without Distinction, under the Eye and Protection of some few Stationed Ships of War, which may be ordered to cruise and fish upon those Coasts) than they are, or can be expected to be, under their said present slavish Dependence, and by the present Way of employing only Land Forces, or Highland Companies, commanded by, and composed of, the absolute Creatures, Followers and Dependants of a few particular Clans, who are thus naturally, strongly, and unavoidably tempted to be partial; and likewise, in order to shew a Method of preventing any of our well-nigh impregnable Islands and Peninsulas from being invaded, surpris'd, and made tenable against us, I desire that, by your Interposition, and that of the other honourable Persons aforesaid, I may be allowed an Opportunity of explaining these Matters to the Parliament; and the rather, because some of them are of a very delicate Nature, and ought to be soon adverted unto, and can only be duly provided for, remedied and executed, by the Order and Authority of Parliament: And, in the mean Time, I shall only add, to what I have already offered on these Subjects, as follows, *viz.*

That, as it is the undoubted Duty of every Person, without Distinction, to be active, and to endeavour to be industrious and useful to Mankind and his Country, and to be desirous, and even ambitious, to be employed in executing whatever Project he thinks his Genius enables him to discharge for the common Good; and, as every Person who is the first Discoverer and Proposer of any new and useful Projects, Methods, or Expedients, whereby the common Good and Improvement of his Country may be advanced, and whereby (as in the present Case) every Person's Estate, and every Land and Water Product, may be greatly benefited, hath a natural Right and Title, and is even entitled by the particular Laws, Customs and Precedents of *Britain*, to expect to be suitably rewarded, and even to be amongst the first Persons employed in putting such Projects and Methods in Execution; and since I am perswaded in my Conscience, that the said Canals, Sloops, &c. and the abrogating and checking the hurtful Parts of those oppressive Powers, will be found even absolutely necessary for the common Good, Strength and Safety of all *Britain*, as well as for the Improvement of all our Industry and Estates; and since it is the Duty, as well as Privilege, of every Person to endeavour to advance his own, and his Family and Friends private Good and Interest, by all such Methods as at the same Time conduce to the publick Good; I therefore hope it will not be judged either a wrong or immoderate Pride or Selfishness in me thus to declare myself willing, and even ambitious, to be employed by Order of Parliament, either in joining (and making a Navigation betwixt) the Rivers *Thames* and *Severn*, or any other two of our navigable Rivers, which shall by the Parliament be thought fit; and in shewing thereby, at the same Time, the Methods how such Canals for Water Carriage of small Vessels, as I have described in my former Papers, or broader and deeper ones for carrying flat bottom'd Vessels of the greatest Burthen, may be made universally between all our navigable Rivers, even in all the most mountainous and hilly Parts of this, or any other Continent or Island; and for that End, in making accurate Surveys, Representations and Descriptions (by Solids or Models, as well as Plans) of all the mountainous or hilly Mediterranean, or midland Parts of this Island, representing all the Passes, Necks, Istmuses or Points *de Passage* (as the *French* call those Midland, *Mediterranean* or *Central* Parts of the Hills, if I may be allowed to call them so) which divide this and all other Islands and Continents betwixt the East, West, North, and South Seas which surround them, that (among many other Advantages) the properest Places for making all such midland Water Carriage, Canals may be known; or else, in giving Proofs of the vast Improvement to be made upon all Sorts of Ground, by such lesser Canals and zigzag Ditches, Drains and Roads, &c. as are propos'd in my said Papers; and in giving Proofs of the great Utility of such deck'd Boats or Sloops, as I propos'd upon the Western Coasts of *Argyleshire*, where the most improvable Part of my Family Estate does lye (i), and where it is most natural for me to desire that I and my Family shall be employed, because it is there we have the Opportunity of being most useful to our Creditors and Partners in our Mines, as well as most serviceable to ourselves and our Country, not only by the considerable Husbandry, Fishing, and Mineral Improvements, which may easily be soon made, and by the general good Example of Industry and Improvement in those Parts, but by our making, at the same Time, such other particular Maps and Surveys (k) of those hitherto misrepresented, and well nigh unknown, Parts of *Scotland*, as those I have already laid before the Parliament.

In all which future Surveys, it is hereby further propos'd, That the Lines of all the Heights, of all the Summits, Passes and Joinings, and Courses of all the various greater and smaller Branches of our Mountains and Hills, with their various Aspects and Declivities, as also the Columns and Courses of all the Rivers, Rivulets, and considerable Springs, from their several Heads to the Sea, together (with the High and Low Water Marks of the various Tides of the Sea, and the Depths of Water, Sands, Rocks, Creeks, and Landing Places of our Coasts, shall be accurately marked and described, with particular Marks, References and Descriptions likewise of the different Natures and Products of the Soil and Waters, and of the Depths, Stretches, and Bearings of the various Strata, Veins, or Seams of Mines, Metals and Minerals, or other useful Matter by Land, and of the Nature of the Climate, and common Changes and Courses of the Winds, Tides, Currents and Product of the Sea; as also of the Boundary Lines and Divisions of each Country and Parish, and each Person's Property, and even of each Farm, Town, Village, House, Church, &c. with the Woods, High Roads, and Foot Paths, and other Roads of all Kinds. All which, it is propos'd, shall, for the future, be represented, not only by Plans, but by Solids, representing the true Face and Aspect of the Country.

Which

(i) See the Map of *Argyleshire*.

(k) There was an express Act, of the Parliament of Scotland, made Anno 1686 for making exact Surveys of all Scotland; but it was discouraged by the Great Lords, who wanted to hide the vast Extent of their Jurisdictions, and their strong Situations, &c.

Which Plans and Models, with other such general Abstracts or Tables in Columns, like that of the Anatomy of *Ardamurcan*, which, may easily be ordered, to be annually made and given into Parliament, vouched by the Minister, Heretors, or Proprietors of Land, and Justices of Peace, of each Parish, mentioning the Age and particular Trade and Employment of each Person, will be universally useful on very many Accounts, both in Times of War and Peace, as will naturally occur to every thinking Person; particularly in preventing Law Suits about Boundaries, and in spurring and encouraging all Sorts of People to be industrious and useful to their Country, some one Way or other, and to be ashamed to appear idle and useless Persons upon the said Lists; and will point out annually to the Parliament where good and useful Subjects thrive most, or (which is the same Thing) where Industry and useful and industrious Education is most or least encouraged and cultivated, by those who have the Power and Execution of the Laws, and the Education of the People entrusted to their Care and Inspection; and will shew our Legislators, whether we yearly encrease or decrease in our real Strength; that is, in the Numbers of our well-employed and industrious Inhabitants, educated, bred up and disciplined from their Youth, to the useful, honest, and industrious Arts of Peace, as well as those of War, and not (as King *David* sinfully projected and intended) in the Numbers of idle and mercenary standing Forces, or a fighting Militia, only bred up to bear Arms for him, and to fight his Battles.

As such Tables and Lists of the People, to be taken, registered, and published yearly, or from Time to Time, as the *Census* (*k*) was amongst the *Romans*, together with such general Registers of all Land Estates and Mortgages, as are now used in *Scotland*, together with Tables of the State of the landed Interests and Land Tax of each County, vouched by the Sheriff and Sheriff's Clerk, and the Commissioners and Collectors of the Land Tax, would likewise be a great Security to the Peace, both in Town and in the Country; would considerably raise the Values of all our Properties, and the publick Credit of the Nation; would be a great Encouragement and Spur to Industry, and a great Check upon all unequal, unjust and arbitrary Taxes, and other such arbitrary Proceedings, of *subordinate Judges*, *Officers and Executioners of our Laws*, from whose criminal Omissions and Commissions, and Neglects of the Education of our People, all national Evils, epidemical Idleness, and universal Dissolution and Corruption of Manners do flow (*l*): So in order to demonstrate the general and universal Utility of such exact Tables, Models, Maps, and Descriptions, and in order to convey a clearer Idea of the Practicability and Utility of the said greater and lesser Canals, &c. I have attempted Specimens of each of them, which may be easily improved; and, among others, I have had a Plan made of the Country betwixt the East and West Seas, from the Mouth of the *Thames* to the River *Severn*, together with such a Model of a Part of it (thro' which I purposely travelled, since laying my Papers before the Parliament) as will serve, with a few other Models, Drawings and Rules, not only to convey a clear Idea of every thing advanced in this and my other Papers on this Subject of Canals, but well enable every common Surveyor to represent every other Country or Estate with such Exactness, that, by the Help of such Models and Plans, every Proprietor, Leaseholder, or Farmer, will be able to give Orders how to work their Mines, and improve the other Product of their Estates to the best Advantage, without the Necessity of so constant Attendance as is now necessary, and without being near so much exposed, as at present, to be abused and imposed upon by their Servants, Stewards and Managers. Nay, I dare venture to assert, That I am able to shew a Method how the Land Estates, Fishings, and Minerals of all Sorts of Persons (even of Orphans, Widows and Lunatics, and of the Crown, and all those who cannot personally attend to manage their own Estates) may be as well managed and improved to the best Advantage, as those Land Estates, Fishings, and Minerals, which are constantly attended by the ablest Husbandmen, Miners, and Fishers; as also, to demonstrate how every House in *London* and *Westminster*, and in all other Places situated upon the Banks of navigable Rivers; and, indeed, how all other Houses, or Towns, &c. which are not situated on the very highest

Parts

(*k*) Ita autem Agebatur Census ut quique civis nomen, Genus, ætatem de se, uxore, Liberisque & servis dare teneretur. Deinde Pecunias & Prædia sua Juramento Profitebantur, quæ ita in censum juxta formam Censualem referebantur ut posset Constare—Nomen fundi cujusque, & in qua Civitate, & quo Pago sit, & quos duos vicinos proximos habeat & id arvom, quod in Decem annos proximos satum erat, quot Jugerum sit, vinea quot vites habeat, Oliva quot Jugerum & quot Arbores habeat, Prærium quod intra Decem annos proximos Sectum erat, quot Jugerum. Pascua, quot Jugerum esse Videantur, item Sylvæ Ceduræ: Omnia ipse qui deserit Attestaret L. 4. ff. de Censu. Addito Juramento Legittimo se vere illa & bona fide æstimasse.

Dion. Halicar.

Cicero enumerates all the Parts of the Powers committed by the Senate, to those subordinate Magistrates called the Censors, and the Officers under them, in the following Words; Censores Populi ævitates, soboles, familias, Pecuniæque Censento: Urbis templa, vias, & aquas, ærarium, vegetalia tuento: Populique partes in tribus distribunto: cælibes esse prohibento: mores Populi Regunto: Probrium in Senatu, ne Relinquo: Bini Sunto: Magistratum quinquennio habento: *Reliqui Magister annui Sunto. Eaque potestas Semper Ego.* Lib. 3. de Legibus.

Censum instituit Servius Tullius, Rem Saluberrimam tanto futuro Imperio: Ex quo Belli Pacificque Munia non viritum ut ante Sed pro habitu pecuniarum fierent. Livy.

Ab hoc tempore Populus Romanus Relatus in Censum, Digestus in Classes Curiis & Collegiis distributus: Summaque Regia Soletia ita est ordinata Respublica, ut omnia Patrimonii Dignitatis, ætatis, Artium Officiorumque discrimina, in Tabulas referrentur, ac si *Maxima Crætas, minime domus diligentia contineretur.* Florus.

And it appears, not only by Domesday Book, and by the Statute Anno. 3. Edw. I. called, *Extend. Maneris*, that such Surveys have been ordered by Parliaments ever since the Norman Invasion; but by the old Records in the Tower, it appears to have been used in England before that Invasion. And altho' most of our old Scotch Records have been destroyed, yet, from what remains of them, and from the ancient customary Way of dividing, valuing, bounding, and classing our different Sorts of Grounds, and of taxing and classing our People, it is very probable that the same Roman Custom took Place in Scotland likewise.

(*l*) Quales sunt Præstides tales esse Reipublicæ mores Sentio. Xenophon.

Licer videre si velis replicare Memoriam Temporum & Annalium. Qualescunque summi Civitates viri fuerunt talem Civitatem fuisse, quæcunque mutatio morum in Principibus extitit, Eadem in Populo Secutam. Cicero.

See Xenophon's Discourse on the Ways and Means of improving the Athenian State and Mines, &c. published both among Mr. Davenant's and Mr. Moy's Essays.

Parts of Countries (which is seldom the Case) may be furnished with what Quantities of Water the Inhabitants can reasonably desire, by the Help of such Canals, or close Aqueducts, &c. as I have proposed, at a vastly cheaper Rate than they are commonly provided at present; and how such greater and lesser Canals can be so contrived for watering all dry Grounds, and draining all feney Grounds and Countries, as to avoid all the Objections I have ever heard offered, viz. So as not to hurt or lessen, but, on the contrary, to help and extend the Navigation of the *Thames*, and of all our other navigable Rivers; and how the Difficulty of sinking, sandy, or other open Soils, may be overcome; and how the Canals may not be subject to be spoiled and filled up with Earth and Rubbish, or to have their Banks broke down by sudden Showers, &c. and also, how (in making the Canals) fine Houses and Policies, Towns, Churches, and burying Grounds, &c. may be avoided; which, however, are but rarely situated, either very high in our hilly Countries, or very close on our Sea Shores, which are the two properest Places for making all such publick or private, greater or lesser, Canals, Bulwarks and Trenches, &c. as I have hinted at in my Papers.

I am not insensible that several Things I have advanced, in this and my former Papers, must appear improbable, because they are altogether new and uncommon; more especially considering the unfavourable Character given me by my Oppressors; besides, as I have, in several Things, been obliged to affect a singular and dogmatick Style, in order to draw every-body's Attention; so I was, and am still, obliged in Duty, as well as to avoid Prolixity, to delay a regular and minute Explanation of several Things, until I be either called upon by Parliament to do it, or until I do it publicly, to the equal fair Warning and Information of every one of my Fellow Citizens: And therefore it was that I avoided to explain to Sir *Robert Walpole* the particular Methods of paying off all our national Debts hinted at in my Papers dedicated to him; which, however, I am able to demonstrate, self-evidently, may be easily done, even yet, and during our present War, tho' it should require as many Land and Sea Forces to be maintain'd, as our late War with *France*, provided the Parliament do order the Scheme, Methods, Ways and Means, I have to offer, to be strictly put in Execution: Which Scheme, &c. I dare venture to say, and clearly to demonstrate, will answer all the good Ends and Purposes hinted at in Page 18 of my printed Paper, dedicated to Sir *Robert Walpole*: For my Scheme, or Project, is a true national and general one, honestly calculated for the common equal Good and Utility of all Sorts and Ranks of my Fellow Citizens without Exception, in which every Person, poor and rich, high and low, will find their Profit and Interest heartily to join and concur; so that a Capital of ready Money sufficient, will be got subscribed and raised instantly, without the Necessity of any Lottery: Such, I say, is my Scheme, and not one of those partial and private-spirited Spider-Web Schemes, spun out of the Bowels of our honest and industrious Fellow Citizens, and purposely calculated (as appears by their Manner of Execution) to enrich and increase the Powers of a private Set of Subscribers and Stock Jobbers, or particular monopolizing Fraternities of the Managers, and Directors, &c. of publick exclusive Companies, at the Expence, and to the Hurt, Fraud and Danger of the equal fair Trade and Liberties of all the rest of the Nation.

Such partial and selfish Schemes, or Projects, are much more easily contrived and executed than truly national ones, as it is much more easy to do Evil than to do Good, or to prevent or remedy any kind of Evil, inasmuch that it is not even possible, without the Assistance of Parliament, that any truly good and national Scheme can be so much as fairly tabled or heard; far less can it be otherwise supported, or honestly executed, without the Authority of Parliament, in an Age so universally corrupted with Multitudes of self-interested Publicans, and private-spirited Persons, Governors, Sub-Governors and Directors of Companies, possessed of vast exclusive Privileges, and hurtful Monopolies, who will hear of no Project, and who will even make War upon all Projects and Projectors, except such as bring an immediate Addition of Riches to themselves, which must always be destructive to the general and equal Good of the Nation, as well as to all fair Traders, and to all the honest Stock-holders of such Companies.

It were easy for me to propose several particular or partial Schemes, and Ways, and Means of new Rivers and Water Carriages; joining and making navigable several of our Rivers; building of Bridges; supplying several Cities, Towns, and Villages, and Noblemen's and Gentlemen's Houses and Estates, with Water; and for Mills and Machines of all Sorts; making new Settlements and Plantations; and Mineral Schemes; draining vast Tracts of feney Countries, and watering vast Tracts of over-dry and barren Grounds: All which, by their Manner of executing, might be rendered vastly useful and profitable to the Governors and Sub-Governors of such Undertakings; and by which they, and a few Directors and Executioners of Power, might make great Advantages; and by whom I might be supported, by private Subscriptions and Lotteries, &c. and suffered to share in the Profit, at the Expence of the Publick, and of the honest and well-meaning Part of the Adventurers.

But tho' all such particular partial Projects find many Supporters, yet all honest general national ones, can expect no Support but from the Authority of Parliament; and that because all truly honest and national Schemes, really tending to free the Nation from Debt, and to make the People thereby happy and free (which are the only honest and national ones) are looked upon by all the Publican Fraternities aforesaid, as so many Drawbacks and Cheques upon their private-spirited and monopolizing Powers, exclusive Privileges and Prerogatives, if I may so call any kind of private Imperial, and are therefore always strenuously opposed, discountenanced and discredited by them and all their Patrons, Tools and Instruments of Tyranny, or *Instrumenta Regni*, as *Tacitus* names them.

All this must appear perfectly natural and obvious to the meanest Capacities; for it holds exactly in publick Life, as it does in private Life: All Publicans, who have Mortgages, Posts, Pensions and Provisions out of the Debts or Taxes of the People, or who have any exclusive Privileges, or Monopolies, in any Branch of Trade, are directly in the Case of that Sort of usurious Creditors, or Pawn-
Brokers,

Brokers, who have got exorbitantly advantageous Mortgages, or Pledges on People's, Lands, or Personal Estates and Goods: They take all Methods to hinder the Debtors from redeeming or improving their Properties, and from being able to pay off their Debts: Neither (without the Authority of Parliament) will they allow the Debtors to improve their said mortgaged Properties, except by such Methods as will bring to themselves an immediate further vast Profit and usurious Advantage. Nay, the publican Brokers are worse than the private ones; and the Publick (by which I mean the whole Body of the State) is in a worse Condition, in many Respects, than private Persons in Debt, as can be easily demonstrated: Neither can the Publick ever hope to pay off their present large Debt, but by some such honest national Scheme or other.

I come next to consider the following Objection made to the proposed great Canals, viz.

That they will be so exceedingly expensive, and will require so much Time and Labour in the Execution and Reparation, &c. that they will be impracticable.

To this I answer, That tho' until the Parliament does determine which are the properest Places for such publick Canals, or inland Communications, betwixt our Rivers, and of what Dimensions (which cannot be determined until the said Surveys be made) I cannot offer any more particular Scheme concerning the Expence and Manner of Execution, than what I have already laid before the Parliament; and that because, tho' the greater Parts and Joinings of this, and all other Islands and Continents, are (like the greater Parts and Joinings of all human Bodies and Faces) shaped and framed much after the same general, regular, and uniform, or similar Manner, yet they do likewise differ, like every human Face and Body, from one another in the exceedingly various smaller Lines, and other Accidents, &c. which will naturally occasion a great Variety in the Expence, as well as in the Manner of Execution; yet, at an Avarage, I dare, in the General, affirm, and undertake to demonstrate (beyond all Possibility of Contradiction) before the Parliament, That, with the Help of a well-employed Land Army, i. e. a working, as well as fighting, Militia, tho' even less numerous than our Army was in Time of Peace, when joined with the universal voluntary Assistance of the several Proprietors and Inhabitants in the Vicinity of all Parts of the Countries thro' which such Canals shall be ordered to be made, they may be executed, that is, all our navigable Rivers may be joined very easily, cheaply and speedily, especially all those on the East Coast; together with a few such other Canals, as may be most wanted in the most inland Parts of our Island, towards the joining all our principal Rivers which lye on the East and West Sides of *Britain*; and that, not only for the Reasons and Calculations already given in my former Papers, but because all the Proprietors of Land Estates, and even all Cities, Towns, Villages, and Corporations, in the Neighbourhood of such designed Canals, will (and must) naturally become enulous who shall have their Estates, Trade and Commerce benefited by the said Convenience, immediate Vicinity and Neighbourhood of Water Carriage; inso much that, I doubt not (nor can it reasonably be doubted) but that every thinking Person will (for the sake of their own private Advantage) offer so much Ground as is sufficient for the Canals gratis: And it is obvious, that the Commonality, in most Places, will likewise find it their great Interest to be zealous and helpful with their Labour, in order to have their Firing, and all other Necessaries of Life and Manufacture, furnished them, by such Canals, vastly cheaper than at present.

Besides, I submit it to the Sense and Wisdom of the Nation, and to all the intelligent Part of Mankind, if the same Law of Nature, and of all good Government, which universally establishes, in this, and all well-regulated Countries, a paramount Power, Right and Liberty in the Parliament, or supreme Authority of each State (for the common Good and Safety) of making *Land Highways and Roads* for all manner of heavy Carriages of Goods, Merchandize, Arms and Artillery, thro' every Man's Estate, without Distinction, and of even building Castles, and throwing down Houses and Policies of all kinds, and even Churches, &c. if the common Good and Safety so requires; I submit (I say) if, by the same Law of Nature, the Publick have not a Power and Right of making such *High-Water Roads and Carriages* thro' every Man's Estate, where it may be most convenient and necessary for the common Good.

And I submit it, if this Power of making Water Carriage seems not to be founded in the Nature and Reason of Things, even more strongly than that of the Land Carriage, since the common Utility and Safety may be far more advanced and secured by such Water High Roads, or Canals, than by the present Roads by Land; and since these Canals will save a great Part of the heavy Expences and Labour, yearly bestowed by every County and Parish, in repairing their Land Roads, by greatly lessening the Necessities of heavy Wheel Carriages, as well as the Losses sustained in Arable and Pasture Land, daily spoiled by such heavy Wheel Carriages. All which, joined with the infinite Advantages arising from the Cheapness and Convenience of Water Carriage, Fishings on the Canals, and saving vastly in the Articles of Labour and Expence of Men, Horses and Oxen, employed in long heavy Carriages, will, most certainly, much more than compensate the Value of the Acres cut thro' for the sake of the said Canals; inso much that, I think, it may be justly concluded, that no Person in Equity can (and no thinking publick-spirited Person will) ask any Consideration, except when their Houses, or other expensive Possessions, are greatly damaged; or when Persons, who have but small Properties, happen to have a considerable Part of them cut thro': In which Case (and in all such Cases) every honest Judge and Jury would naturally order Compensation. Neither is it to be doubted, but every County and Parish, would readily affect themselves (proportionably to their several Land Estates and Prospects of Advantage from the said Canals) towards defraying the Expences of all such Accidents, as well as of all Sluices, Bridges of Communication, Flood-Gates, and Towing Gates, and Towing Paths, and all such other Materials and Expences of Workmanship, Direction and Reparation, &c. as would become necessary.

But, supposing such public-spirited Principles, Reasons and Motives, were to be wholly exploded, as (I hope in God) they are not, by the Generality of our People; and supposing the Publick were consequently forced to pay even the *Summum Pretium*, even the Length of thirty Years Purchase, according to the present Rental and Value of all Acres, Houles and Policies, so cut thro', and to be at the sole Charge of all the other Articles; and supposing we had no Army, or Militia, to help us chearfully, for a very small Addition of Pay, yet I undertaketo make it evidently appear, that several such Canals might be executed by the Publick, where a very small Toll would very soon do much more than repay and defray all such and other necessary Expences: For, would not such Lifts, Tables, and Descriptions of each Country, publicly registered as above-mentioned, enable the Parliament to judge what Toll were reasonable and proportionable to the Expences in each Place? And might not these Tolls, after reimbursing the Publick, be applied as Funds towards building Hospitals for nursing and educating Foundlings and Orphans, and all incurable or distressed Persons, or for other such truly pious Uses? Or might they not be made even one of the most considerable Helps towards paying off our Debts? Or Funds for the Support and Encouragement of our Seamen and Soldiers, and their Families, in case of their Death, or being lamed and disabled in the Service of their Country? And might not our Seamen, and Army, or Militia, by being put upon some such Regulation as the *French* Seamen and *Swiss* Militia are, and bound only for a certain Number of Years, be encouraged to enter into the Service, without any Fear of being perpetually exposed to serve per Force, or soon turn'd off without any Hopes of due Consideration, Recompence, or Provision, for themselves, or their Families?

As to what regards the Proposal of having our Coasts, especially our remote Highland Coasts and Islands, &c. guarded by deck'd Boats, or Sloops, and other fishing Boats, under the Eye and Command of stationed Ships of War, and the gaining and strengthening the Hearts and Combitants, by giving them their Liberties, or (which is the same Thing) delivering them out of the greatest of all Slaveries, by abrogating or checking the hurtful Parts of the oppressive, heretable Jurisdctions in *Scotland*; I shall be more particular, because I propose these Sloops (amongst many other Advantages) as a Remedy against the said Powers, while they are suffered to remain; which Powers are the very greatest, and most dangerous, and, perhaps, the least known and adverted to, which Powers of the Constitution of *Great Britain*; and because I have had uncommon Opportunities of knowing the Particular miserable State and Circumstances of those Parts, and of the People; which (by all possible State Tricks and Artifices) have been hitherto kept hid from the Knowledge of the *English* Part of the Kingdom, by those whose Power and Strength consists chiefly in the Uncertainty of the Execution of the Laws, and in the Disunion, Idleness, and Slavery of their Fellow Citizens, and in setting up, or rather forcing, private Interests and Parties of their own, in Opposition to the common Good, by Numbers of Followers, who are (by them) purposely ill educated, and rendered idle and hurtful, and even dangerous to the State: For, by such Powers, and Deeds of Entail, or Tailzies (as they are called in *Scotland*) the Owners or Possessors of some of them, or their Forefathers, have treasonably procured other (by them called lawful) Powers, so conceived as to enable them, and their Posterity, to be perpetual Tyrants and Plagues, or necessary Evils (as some are pleased to call them) to the whole People and Government, as well as to the Industry and Improvement of the whole Island, with Impunity; some of those dangerous Powers being so conceived, and, as they pretend, so firmly established by (what they call) *Scotch* Law and Entails, as to enable their Owners, and their Families and Followers, even to rebel against, and destroy all good Law and Government, without the Risque of forfeiting their said Powers, by which the Publick is exposed to perpetual and hereditary Insults and Rebellions, &c. (m).

In order, therefore, in some Measure, to convince all the disinterested Part of Mankind of the great Force and universal Utility of such deck'd Sloops towards checking the bad Effects of those Powers, and towards keeping the Peace, and improving the People and Industry in those Parts; and in order to shew how much a very small Help by Sea, checks the greatest Powers by Land; and that Liberty is the only sure Basis of true Loyalty, as well as of all fair and honest Industry; I do undertaketo, tho' I have no Clann, or Following, nor so much as one near Relation, or Dependant, in all those remote, and vastly large, Highland Countries in *Argyleshire*, where my Family Concerns do lye; and tho' the whole Freeholds and Leaseholds of my Family, in those Parts, are peopled by the absolute Vassals and Dependants of those very Persons who have been instrumental in constantly robbing and oppressing me and my Partners and Adventurers in Minerals, Husbandry and Fishings, and who thirst after our *Nabobs* Vineyards, and the Fruits of our Labour; yet, provided the Parliament do give me and my Family, and our Heirs, with the Husbandmen, Miners, Fishermen, Manufacturers, and other useful and industrious Inhabitants within our said Freeholds and Leaseholds in *Argyleshire*, only that Measure of Liberty, which, by the everlasting and paramount Laws of Nature, as well as by those of *Scotland* (n) (when rightly executed and interpreted) and, by the express Articles of the Union, we, and every *Scotchman*, are entitled to ask, and to have granted us; that our Lives, Liberties and Properties may not be subject to any of the said heretable Jurisdctions, but only to the other ordinary, civil and criminal Courts of Justice; and provided there be allowed by Parliament a Sum sufficient to buy, and keep in Repair, two deck'd Boats, Sloops, or Vessels, of betwixt Twenty and Thirty Tons Burthen each, with a Couple of small Boats to attend them, and to pay, cloath and arm a Company of One Hundred Marines, and to maintain and pay Two Surveyors, with Two Sets of proper Surveying Instruments, under the Direction and Command of proper Officers (either *Englishmen*, or other Persons disinterested in

(m) Et pletunque Præmia habent, immo his prodest peccavisse. Barclay's Arguents.

(n) There is an express Act of Parliament in *Scotland*, made Anno 1592, in Favour of all Miners, and appointing mineral Execution, as it ought. Likewise, there are many Acts in Favour of Fishermen, and of our Fishings suffered to be neglected,

those Parts) having proper Commissions of the Peace, independant of the said heretable Powers and Jurisdctions, empowering them to pursue, apprehend, and commit all Thieves and Breakers of the Peace (who, to escape Punishment, commonly fly from one heretable Judge, or Lord Marcher's Jurisdctions, into those of another) and to prosecute and try such Criminals at the Circuit Courts, or Assizes; I undertake (I say) that they shall not only keep the Peace in all those vastly wide and large Coasts and Bounds of the Countries and Islands of *Argyleshire*, (o) where my Family Freehold and Leasehold Estates aforesaid are situated, and make such accurate Surveys, as above mentioned, of all those western Isles and Countries, but that I and my Family shall annually make it appear to the Parliament, by such Lists, properly vouched as above, that the Improvements made, under their Protection, on the Husbandry, Mines, and Fishings of those Parts, shall vastly more than make up to the Publick the Expence of this Establishment, that is to say, shall, in a few Years time, add to the present Number of Inhabitants, several Hundreds of useful Fishermen, Husbandmen, Miners and Manufacturers, so as even to double the present Number of Inhabitants upon my said Family Estate.

Now, since, by the Table, entitled, *The Anatomy of Ardamurchan*, which I laid before both Houses, it appears, that there were, in the Year 1722 (when I first undertook my Mineral Projects in that Country) no less than Thirteen hundred and fifty two Inhabitants in that Barony alone; amongst all which, there was not so much as one useful Mechanick or Manufacturer of any kind; and since I do undertake, in a few Yearstime (notwithstanding the Disadvantages of my having no Clann or Followers, &c.) to add to the Number, at least, as many more useful Husbandmen, Fishermen, Miners, Mechanicks, and Manufacturers, who will likewise naturally encourage and breed all the Neighbourhood to emulate and follow their industrious Example; and since the Fruits of their Labour must add considerably to the Revenue of the Crown, as well as to the true Strength and Riches of the Nation; I therefore submit it to the Wisdom of the Nation, if what I ask be not for the publick Interest; and if such an Increase of useful and industrious Inhabitants, especially in a Part of our Country where they are so much wanted, will not much more than overballance the Expence of the proposed Establishment.

And I further submit it to the Wisdom of the Nation, to consider how much more all the rest of the vast Bounds of *Inveraray*, or *Argyleshire*, which is, at least, one full eighth Part of all *Scotland*, as well as all the other wide Highland Countries and Islands, might be proportionably improved by extricating the Inhabitants out of their present slavish Dependencies, which are the only Causes of their Country's being, in many Places, little better than Desarts, and not at all cultivated, because they have no secure Possession, or Security, to reap the Fruits of their Industry, which would therefore be vain to attempt, in a Country thus left without all good Law and Liberty, and subject to Olygarchick absolute Will and Slavery.

I submit it also to be considered, if a few more such Sloops and fishing Boats, under the Eye and Protection of a few Ships of War, to be kept constantly cruising and fishing upon our said remote Islands and Coasts, would not easily and universally increase our Industry and Trade, and Numbers of the most valuable and useful of all Subjects (I mean our Seamen) and likewise prevent all hurtful Exportations of Wool, and running of contraband Goods, and other unfair and hurtful Runnings and Smugglings, which are common in those Parts.

And I doubt not but that I shall be likewise able to shew a satisfying Method how all Attempts of foreign Powers, or of domestick powerful Factions, on all, or any, of the said Inlands and Peninsulas, may be effectually prevented.

But, tho' I have thus (according to my Duty) hinted at a further Explanation of some Things, which, in my former Papers, I humbly proposed for the common Good and Safety of *Great Britain*, and at the Methods by which I think myself and my Family may be rendered most serviceable to the Country, as well as to our Creditors, Partners, Workmen and Servants, who have suffered by Oppression and want of due Protection in those Parts; yet I am not ignorant, that it is our Duty to submit to whatever other Methods the supreme Wisdom of the Nation shall approve of to protect us, and to keep the Peace in those remote Highland Parts, and to compensate the great Losses and Damages which I have sustained by the manifold Oppressions, wilful Robberies, Fire-raifings, and other Breaches of the Peace, and by the undue and cruel Iniquities, and wilful and base Tricks, Frauds and Delays of Justice, and want of due Protection from those entrusted with the Execution of the Laws; and whose particular Duty and Province it was, above all others, to have protected me and my Family, Partners and Servants, &c. from such open and notorious (p) Oppressions, whilst we have been now, these Sixteen Years, constantly bestowing our Time and Labour, and vast Sums of Money, in employing many poor People, and shewing the rest of the People, in those Parts, the Methods of greatly improving all those hitherto neglected, and almost Desert Parts of our Country; Only for the further Information and Satisfaction of all such as are kept Strangers to the miserable State of all *Scotland*, but especially of all those Highland Parts of it; and to the evil and dangerous Nature and Consequences of the said heretable Jurisdctions (or little Kingships) or Regalities, or Royalties, as they are commonly called, I find it absolutely necessary, thus further, in a short and possible for me or my Family and Partners, Workmen and Servants, &c. or for any other Persons or Families in *Britain*, who have not Jurisdctions and great Clanns or Followings of their own, independent of the said heretable Judiciary, Sheriff, Regality, Commissariat, Assize-Herring Fishing, and Admiralty Courts, &c. (as they are named) to carry on any sort of useful Branch of Trade or Industry, either by Sea or Land, within the said Shire of *Inveraray*, or in any other of the Highland

(o) See the Map of *Argyleshire*, and p. 24, &c. of the Papers dedicated to Sir Robert Walpole.
(p) See my Papers dedicated to Sir Robert Walpole, Pages 13 and 14.

and Island Parts, within the Jurisdictions of the vast (g) Dukedom of *Argyle*, without some such Helps from the Publick, as I have proposed; so I likewise undertake to prove, that it is not even possible for the supreme Authority and Wisdom of this, or any other Nation or Government, effectually, or even, tolerably to settle and secure the Peace, prevent foreign Attempts and domestick Idleness, Thiefs and Breaches of the Peace, or to improve the Industry of those and the other Highlands and Islands of *Scotland*, without abolishing and checking the hurtful Parts of these exceeding great, dangerous and oppressive, private heretable Jurisdictions. And as I am confident, that what I have to offer concerning the evil Nature and Consequences of those Powers, will satisfy all thinking and impartial Persons of even the absolute Necessity of some such extraordinary Assistance from the Publick, for protecting me and my Family and Partners, and others employ'd in carrying on the Mines and other valuable Works of Industry and Improvement in those Parts, against the almost constant Thiefs and Breaches of the Peace of the Inhabitants, who are instigated by the Possessors of these Powers; so it is obvious, that these Officers will serve as Checks upon all such feudal or military, subordinate, executive Powers, while they are suffered to remain; and, 'tis certain, the supreme Authority can never be too watchful over them, especially in those remote, strong Parts; and, therefore, it is, probably, that we see in *France* they have always double Officers in every Ship and Regiment, &c. besides, this would be a good and proper Province and Employment for all Half-pay Officers, &c.

I shall suspend answering several Objections I have heard whispered against my Proposals, until they be fairly and openly made; only it becomes necessary for me to answer the following ones, which have been calculated (as far as my Oppressors could) to prepossess the Minds of Mankind against having any Regard, or giving any Attention, to what I have proposed, and against giving me any Hearing before the Parliament.

I. They say, That it is not credible that all *Scotland* should be in a State of such Oppression (as I have represented) in Consequence of these heretable Powers, since I am the only Person who complains; and, That this is a Proof of that singular frantick and obstinate Temper, &c. wherewith my Oppressors have, these many Years, publicly and privately charged me.

II. That, as some private Misfortunes have hurt my Judgment, so nothing can prove this more than many the odd and singular Things I have proposed, contrary to the universal Experience and common Sense of Mankind, as they are pleased to express it. Besides (say they) the Irregularity of the Method, and Oddness of the Style, further proves this to be the Case.

III. That it is the highest Arrogance and Weakness in me, to think, that I have found out, in relation to the Structure of the Earth, &c. what has escaped the Eyes and Experience of all the rest of Mankind. Have they not Eyes as well as I? And, who but an insolent Man, or a Madman, would so long positively, as (say they) I have maintain'd Things, which they, nor no-body else, does believe, or think possible, to be put in Execution?

IV. That supposing I was in the Right; yet, since I am single in what I propose, it is an unbecoming Forwardness and Insolence in me, to venture to lay my ill-digested and weak Thoughts before so august an Assembly as a *British* Parliament, without having so much as had the common Sense and Discretion of asking any other Person's Advice.

V. That, supposing it were true, that I and my Country had been ever so much oppressed in *Scotland*, why do not I openly and fairly name and accuse my Oppressors, and the Oppressors of my Country? And, That I dare not accuse and name them, for fear of failing in Proofs.

VI. Why do not I first complain in ordinary Course of Law, before the Courts of Justice in *Scotland*.

VII. Is not the Law open in *Scotland* to all Men equally, as well as in *England*?

VIII. May not every Person have as fair a Trial there as in *England*?

IX. Supposing I, or any Person, is wronged by any Sentence there, may we not Appeal to the Justice and Impartiality of the Right Honourable the House of Peers?

X. How ridiculous, and what a Proof of Weakness and Madness is it to expect, that both Houses of Parliament will regard such an irregular, single, private Complaint, or any Proposals not seconded by any one Person?

XI. That all my Projects and Proposals are plainly selfish, and calculated to advance my own private Interest; and that I only pretend a Zeal for my Country, to be rewarded for what I call my new and useful Discoveries, and to be revenged of those I call my Oppressors, &c. while to others, they say, that I am hunting a Wild Goose Chase after that Phantom (as they wickedly call) publick Spirit, and after what I weakly imagine the good of my Country, neglecting that Care and Duty, which (in their wicked Opinion) I owe to my own Interest, and the Preservation of myself and Family, preferable to that of my Country.

XII. But finally (say they) supposing that all he says were true, and that he and all *Scotland* were thus oppressed; and that all his Proposals and chimerical Projects were really solid, useful and practicable; yet it is an improper Time to make such vast Alterations and dangerous Innovations, as they are pleased to express themselves; and to lay out such vast Sums of Money on such exceedingly expensive and ridiculous Projects, such as Ten Thousand Miles of Canals, &c. at a Time when the Nation is not only already involved in vast Debts, but engaged in expensive Armaments, &c. What reasonable Person (say they) would expect this? Or, that any wise Minister, Ministry, or Administration, will so much as listen to such dangerous Innovations and expensive Projects? or draw upon themselves the Relentment of such exceeding, powerful and dangerous Fraternities possessed of such vast Territories, Jurisdictions, Dominions, &c. All which Objections, they now pretend,

ought to have the greater Force, since War hath been actually declared against *Spain*, which must encrease our yearly national Expence.

From these, and the like Suggestions, they pretend justly to conclude, that it is not worth their while to make any Reply to what I have advanced in my Papers; but, that the best Way to use Fools, and such foolish Complaints and Proposals, is to despise them, and not to answer them at all. Whilst, nevertheless, they privately and maliciously have employ'd their hiring Scriblers and Partizans in *Scotland*, to write and spread among the People such poisonous Treatises and Maxims, as may serve to justify their wicked Power, and turn what I have propos'd into Ridicule, as shall be made clearly appear, if required.

But, at present, I hope, the following general Answers will be judged sufficient to all the above-mentioned private Suggestions, until some of them shall fairly venture, publicly, to put their Names to those, and what other Objections they have thus hitherto unfairly and feloniously advanced in the Dark, *viz.*

I. That I do neither impiously nor arrogantly pretend to any Superiority of Understanding, because of my having happened to find out, or discover, any new and unobserved useful Expedients: On the contrary, I think it my Duty (besides what I have already said) thus publicly to acknowledge, that I am very sensible, that (under God) I do owe any uncommon Measure of Attention, Application and Observation, that I have bestow'd on these, or any other, useful Subjects, to those very Afflictions of my Life, which my Oppressors did originally occasion, and have, all along, cruelly continued: And I am ready to make it appear, that those very Calumnies and Oppressions, which my several dissatur'd Fellow Citizens have, from Time to Time, maliciously intended for my Destruction, have produced quite contrary Effects, and become the very Means by which I have been enabled and incited to attempt and execute what I have done for the common Good of my Country, by being less involved in the common Diversions and Pleasures of the World; and, consequently, more at Leisure to apply my Thoughts and Time towards those useful and truly laudable, publick-spirited Ends and Purposes, than, very probably, I would otherwise have been.

For I am so far from arrogating to myself any such Superiority of Genius, that I am ready and willing to give very natural and probable Reasons, how I happened to stand fairer than most other People, to be the first Discoverer and Publisher of several Things relating to the Theory of the Earth and Minerals, and concerning the particular State of the Soil and Government of *Scotland*, and other Subjects hinted at in my Papers; which (amongst other useful Things) will shew, that there was no extraordinary Measure, either of Judgment or Genius, requisite in all, or any, of the Things I have observed, but only an honest and warm Heart, and a close Application, and laudable Ambition and Desire to be useful to Mankind and my Country.

II. That I am able to clear myself of all immoderate Selfishness and Resentment; and, as I have asked nothing but what is the Right of every Subject to ask in the like Cases, especially, considering my Circumstances occasioned by Oppression; so I am ready to demonstrate, that if I had been either immoderately selfish, or revengeful in my Nature, that is, if I did not prefer having the Honour to benefit my Country to all Advantages, or mean-spirited Revenge, I did not want several Methods and Opportunities of raising my Fortune, and getting myself supported, in spite of all my Oppressors; and, I can clearly demonstrate, or rather, indeed, it will appear self-evident, that I have had, and now have, several obvious Methods of raising my Fortune, by making many advantageous Bargains, both at home and abroad, as hinted at in Page 8, if I did not think it my Duty, as well as my true Honour and Interest, to give all my Fellow Citizens fair and equal Warning, and first, to attempt all I can to do good to my Country, and to trust to their Gratitude; but, in all Events, to postpone all other private Views, to this first of all social Duties; tho' I am not unensible how many have ruined themselves and their Families, by doing Good to their Country, without meeting with any Reward; neither would I have spoke my Mind so freely against all Monopolies and Companies and Fraternities of exclusive Powers and Privileges, if I had not been (as I still am) determined to owe Obligations only to the publick Justice of my Country, and to the publick-spirited Part of Mankind.

III. That, supposing my Misfortunes had ever so deeply affected me, and hurt my Spirits, so as to render me unable to express my Grievances and Proposals distinctly, and in due Form—Must, therefore, every Person who is not an Orator, or an accurate Writer, be oppressed? Besides, are there not many good Mechanics, Manufacturers and Husbandmen, and People of all Professions, even Generals and Statesmen, who cannot express, properly, what they put in Practice? And is it permitted? Is it lawful, and is it not the very Height of Barbarity in my Oppressors, to have tortured me, as I can prove they did, by their several Oppressions, and then to have called me Madman, while I suffered so long in Silence? And now to continue their said Calumnies, because I complain, after I and my Family have not only been kept by them so many Years in the constant Tortures of their publick and private Calumnies and Oppressions; but, when I see, even the Liberty and Safety of my Country, as well as of my Family, at Stake: And must I be blamed for attempting Self-Defence, and the Defence of my Country, by myself, because none of my Countrymen in *Scotland*, who, from Time to Time, have had it in their Power, have had the Charity to help and protect us? But, as the Reason why they declined, or were afraid to help me or their Country, will partly appear from what follows; so the true Reason that I have been abused and called an impracticable and whimsical Madman, was, and still is, because I never would, and (thro' the Strength of God) never will,

meanly and basely engage to be a blind and passive obedient Tool and Follower of any of the Patrons or Partizans of any one Party or Faction whatsoever.

IV. As I am ready, upon my highest Peril, to make good what I have advanced in this and my other Papers; so I am ready to name and accuse my Oppressors, and the Oppressors of their Country, before the Parliament, and to prove them to be such, and to be wilful and self-conscious Oppressors and Calumniators, and Enemies to all good Law, Order, Government, and Society.

V. That I am ready to give satisfying Reasons why I have hitherto delayed publick Prosecutions, and why I cannot name, or accuse, some of my Oppressors before any Courts, except that of the Parliament.

VI. That I am ready to prove, that the Judges of no other Court, but those of Parliament, are competent Judges of several publick and private Grievances and Oppressions, which I am able to charge my laid Oppressors with.

VII. That it is not in the Power of any Sett of Judges in *Scotland* (tho' they were willing) either to try, or redress and remedy several of the publick and private Grievances and Oppressions of which I complain.

VIII. That the Law is not open in *Scotland*; but, on the contrary, is kept, as much as possible, hid, and rendered doubtful, precarious, uncertain and vain, not only by the frequent grossly iniquitous Proceedings and Sentences, but by the slow, sure and most dangerous of all non-natural State Poisons, viz. the criminal, wilful and fraudulent Omissions, Delays, Neglects and Misinterpretations, and various State Tricks, of those entrusted with the subordinate Execution of the Laws and Government of *Scotland*. And finally I undertake to prove, that I have no other possible Remedy for my own, and the common Grievances of my Country, but this of humbly applying to the Parliament: In this, the best Way I can contrive, until some charitable Persons, known in the Laws and Forms of such parliamentary Petitions, shall be so good as to assist me in Points of Law and Form: And, therefore, since I have no other Remedy, I have all the Reason in the World to be confident, that the Justice of Parliament will not leave me, and my Country, without Remedy: For, supposing that the Form of our present Trials in *Scotland*, were as justly and equitably established as those in *England*, or as our ancient Ways of *Scotch* Trials, by Juries, were; which, however, no honest Man, who understands any thing of such Affairs, will so much as pretend; nay, supposing the Laws and Forms of *Scotland* were as perfect as the Laws of God and Nature, and that they were, with their Principles, Definitions and Distinctions, as fairly published, and made known to all Persons, as they ought, yet what do the best and clearest Laws and Forms of Justice serve for, when they are rendered vain by an undue, partial and corrupt Execution? *Quid leges sine Moribus Vanæ proficiunt?* When even the most express Laws and Acts of Parliament are perverted, and suffered to be perverted; and when the very fundamental Principles, Definitions and Distinctions of our said Laws and natural Rights, Liberties and Properties, made for the Support of the common Good and Industry of the Country, and established by the plainest Acts of Parliament, are suffered to be publicly violated, affronted, and called in Question, and trampled upon for Years together, without the least Censure, or just Punishment, even by, and in the Presence of those very Persons who are particularly appointed and entrusted (by the Sovereign Authority) to be their publick Defenders and Guardians; which I undertake to prove is the Case in *Scotland*.

Besides, what equal or impartial Execution, Publication, Dispatch, or Explanation of the Laws, or Distribution of Justice, can be expected, when one and all of the Judges, Jurymen, and Witnesses, without Exception, are evidently under a *constant and perpetual Temptation*, (*) to have their Free-wills biassed and rendered partial, through the strongest of all Passions, Desires and Temptations, those of Fear, Power, Self-Interest, and Self-Preservation, or the Preservation of their nearest Relations and Friends? For, I undertake, on Peril of my Life, and even of my Reputation (which is far dearer to every honest Man, than his Life) evidently to prove, that there neither is, nor possibly can be, so much as any one Judge, Officer, Jurymen, or Witnesses, civil, military, or ecclesiastick, in all *Scotland*, who is a *Scotchman* born, of any Note or Family, who is not daily tempted (and strongly tempted) either to fear, or to favour, some one or other private Faction or Tyranny, and to be consequently accessory to, and Aiders and Abettors of, Faction and Tyranny, by being either deeply self-interested in some one or other of those Heretable Powers, and Creatures, and Dependents, upon some one or other great Heretable Judge or Judicatory; or (which is much the same Thing) whose Lives, Liberties and Properties, or the Lives, Liberties and Properties of some of their very nearest and best Friends and Relations, do not depend upon the absolute Will, and Power, and Influence of some one or other of those more than kingly and tyrannical, heretable Jurisdctions, and even upon the Wills and Influence of the Deputies and Substitutes of those heretable Judges: Which Deputies and Substitutes are always their absolute Creatures; and to that shameful Degree, that some of them have been known to have had no better or more liberal Education or Merit, than that of having been menial Servants and Liverymen to some of the said heretable Judges, or their Favorites. And must not this strike all *English* Gentlemen, and all other honest Men, and Lovers of equal Laws and Liberties, with Horror and Surprise, that it should thus be in the Power of such Judges (or, indeed, in the Power of any Judge) to name and summon all Juries, and examine all Witnesses; and, finally, to have the sole Power of Life and Death, and Forfeiture over all manner of *Scotish* or *English* Commoners, and even over all such of the Sons of *English* Peers, who may happen to have the Misfortune to be within such Jurisdctions, or who may happen any way to disoblige, or, in Self-defence, to kill any of the Dependents of such heretable Judges, who may have been, perhaps, purposely incited, first to break

(*) *Justitia est constans & perpetua libera voluntas Jus suum cuique tribuendi.*

the Peace, and to affront and provoke them to a just Self-defence? For those heretable Judges, and those their Deputies and Substitutes, are sole Judges of every thing relating to all Trials; nor is there any Appeal from them to any other Judiciary whatsoever, in criminal Matters. And (amongst other terrible Encroachments upon our ancient excellent Laws ^(s) in *Scotland*) there is seldom, or never, any Distinction made, by those Executioners of our Laws, betwixt a vile, premeditated and felonious Murder, and an honourable and dutiful Self-defence: And how, indeed, can it be expected there should be any Distinction made by such Judges, considering that they are deeply interested in all and every Cause which comes before them? Inasmuch that, in all Causes, civil and criminal, they have the sole and exclusive Right to all, or by far the greatest Part of all, Fines, Forfeitures, and Escheats of all such unhappy Persons as are forced to have Trials before them: And which Trials it is not possible frequently to shun, by reason of the many Thefts and Breaches of the Peace, vexatious Law Suits, and other various Artifices of the Dependents of those Courts, who are instigated and encouraged to all such evil Practices, purposely to bring Profit to the Judges and Officers, &c. of the said Courts, who generally have no other Establishment, or Fund, for their Subsistence, except what is thus made to arise from the continual Thefts, private Quarrels and Troubles, and other Miseries of the People.

These, and many other such monstrous private Evils, are but the least Part of the Dangers of those Heretable Powers, when compared with their more publick evil Consequences, as (if necessary) shall be more fully shewed: But, at present, I shall only beg leave to appeal, in a general Manner, to the Consciences of every good Magistrate, Senator and Judge, what vast dangerous and universal Influence the different *Possé Comitatus*'s of such a powerful Fraternity, as that of all the heretable Judges, and their numerous tyrannical, civil, ecclesiastick, and criminal Courts and Judicatories, which (like the olygarthick Hydra, with few Heads and many Tails, are link'd together by the powerful Temptation and Motive of common Self-Interest, *et Commodum Cursum*) must naturally and unavoidably produce upon all the Branches of Law and Government, especially in so small a Country as *Scotland* is, or rather, in a Country, the far greatest Part of which, is rendered *poor, idle and thinly inhabited*, by their private hereditary Tyranny? Must not this affect, influence and corrupt every Branch of the subordinate Execution of the Law, and civil, military and ecclesiastick Administration in *Scotland*? and must not this Corruption, of so considerable a Part of *Great Britain*, even sensibly and evidently endanger an universal undue Influence, Contagion and Corruption, in our whole now united and incorporated Body Politick? For, let it only be fairly and impartially considered, who are the Persons who recommend and introduce all our other *Scotch* Judges, Justices, Commissioners, Officers and Ministers, civil, military and ecclesiastick, to the Crown and the Ministry. And what Election can be so much as hoped for to be truly free? What righteous Judgments? What fair Trial? What impartial Examination of Witnesses? And what true Loyalty, and unbiassed Love, for the true Interest of the Crown, and Liberty and Industry of the People (which are always inseparable) can be expected from the Generality of an unhappy Body of People, thus miserably and universally subjected to the absolute Wills, Powers, Influence and private Family factious Interests of a few Persons, possessed of such dispar'd, and more than kingly, Powers?

Which Powers it is even highly criminal, in such as are Judges of their Nature and Consequences, to ask, exerce or defend, because they are in their very Nature and Consequence, *mala in se*, and contrary to all good Law and Government whatsoever, having been first introduced by plain Force and Violence, when the then barbarous and heathenish *Danes* and *Norwegians* had over-run, and almost totally enslaved, the whole Island; when (as the Book of *Litchfield* observes) *Sopitum erat in Regno jus; Et quando Leges Et Consuetudines Antiquæ Sopiæ; quando prava voluntas Et violentia magis regnabant quam Jura vel Justitia*. And which Powers were afterwards either extorted by the Force and Violence, or by the Frauds and Flattery, of Faction, from our imposed upon, or distressed, Kings and Queens of *Scotland*, either during their Nonages, or the Rebellions of their Subjects, or during foreign Invasions, or domestick Troubles and Inroads; and have been since, from Time to Time, revived by Faction, contrary to a continued Series of the unrepealed Acts and Declarations of almost one and all of the *Scotch* Monarchs and Parliaments, declaring them to be intollerable Grievances, never to be revived. And as they were esteemed such dangerous Temptations, even in the Hands of our *British* Monarchs, that they dropp'd them; so they are infinitely more dangerous and tyrannical (both in Times and Matters of War and Peace) in the Hands of the present Olygarchy, *i. e.* in the Hand of a few, than they were formerly, when equally divided betwixt the Crown and all the Barons ecclesiastick and civil of the Island, as shall be clearly demonstrated. I shall, at present, only further, in general, beg every Senator to reflect, with just Horror, what dismal Consequences, and what continual Troubles, and what a dangerous Weight and Influence these Powers once had, and produced, upon the Peace, Liberties and Industry of all *England*; how all *Wales*, and all the other Counties Palatine, were little better than Desarts, while curs'd with these Powers; and how much their Removal immediately extended the Peace, Trade and Industry of those Parts of the Island: And also, that it may be considered what a dangerous Influence they must have, or (which is much the same Thing) may easily have, some time or other, upon one and all of our *Scotch* Elections; upon no less than Forty-five Voices in the House of Commons, and Sixteen in the House of Peers; which is a Consideration the more terrible, that it is well known to all Men, that several Questions, deeply concerning even the Fate of the Liberties and Trade of *Britain*, have depended upon the Ballance of a far less Number of Voices: In such a Case, therefore, may not I say, in the Words of *Tacitus*, and *Pliny* the Consul, *Nonne pax soro reddenda? Nonne hoc intestinum malum exstinguendum Et cavendum, ne Civitas legibus fundata, sit legibus eversa?* Or (which is the same Thing) *Ne Justitia Judicii, Et leges Delatorum interpre-*

(s) See James I. Parl. 3. Act 51, besides many other of our more ancient Laws, and other Acts of Parliament, made since that Time.

interpretationibus evertebantur? Or, as our *English* Version renders this Place of *Pun's* Panegyrick upon *Trajan*, "As you had before reformed the Camp, so now you regulate the Courts: You lopp'd away " this Gangrene of the State, and took proper Precaution to save *Rome*, that was really founded " and establiſhed by good and ſolid Laws, from being ruined and undone by the falſe Colours and " ſpecious Pretexs of Law."

So that, tho' I had nothing more to add againſt thoſe wicked Powers, than what I have already hinted, I ſubmit to the publick Wiſdom of the Nation, if any Lovers of their Country can juſtly blame me for thus complaining and crying out to the ſupreme Authority of the Nation, for Relief againſt ſuch extremely dangerous, univerſal Evils, by which the Safety of all *Britain* is as deeply affected as my own, and the natural and legal Rights and Liberties of my Fellow Citizens in *Scotland*? And ought not all ſuch of the *Scotch* Lawyers, who knew the wicked Nature and Conſequences of theſe Powers, and who are far more able than I to expreſs and duly repreſent them, be aſhamed that they have not ſooner complained and ſeconded my honeſt (however weak) Endeavours hitherto? And is it not highly criminal, as well as ſhameful, that ſuch wicked and dangerous Powers, ſo inconſiſtent with the Rights of the Crown, and Freedom of both Houſes of Parliament, and the Union and equal Liberty of the Subject, ſhould have been ſo long permitted to be induſtriouſly palliated, and ſcreened from the Generality of the *English* Nation? Should not ſuch a dangerous and infectious *Britiſh* State Plague and Grievance, be thus made known to them? And ſhould not the Generality of the whole oppreſſed Freeholders and Commonality in the Highlands of *Scotland* (who are kept in Slavery and Ignorance, and taught, from their Infancy, to worſhip their Tyrants, as the poor *Indians* do the Devil, for Fear, and who are habituated to believe, that it is their Duty, as implicitly to obey and execute the Wills and Commands of their Lords, as the Subjects of the ancient *Seigneur Montaigne* were taught to do) be made to diſcover their Blindneſs and Error; and that it is their Duty to hate all Tyrants, or (which is the ſame Thing) to be in Love with the beautiful Light of publick Spirit and Liberty, to which all Mankind naturally, as well as we in *Scotland*, are legally entitled? Should they not be made to know, that all *English* and *Britiſh* Parliaments do freely allow of ſuch Addreſſes, and do even expect and encourage them; and do, therefore, appoint particular ſtanding Committees for Hearing all ſuch Complaints of Grievances, and Addreſſes, and Propoſals for the common Good and Liberty? Should they not be made to know, that they do eſteem the Receiving and Hearing of Grievances, as a great Part of their Buſineſs; and that, to redreſs them, and preſerve and extend Liberty, and to depreſs all Tyranny, is their greateſt Glory? But this cannot be done or expected, until they be made acquainted with the Grievances of their Fellow Citizens; until their miſerable Caſe be laid before them, and fairly ſtated for their Conſideration, as Mr. *Molinueux*, in his *Cafe of Ireland*, obſerves; nor can it be doubted, without uncharitably judging, that a *Britiſh* King and Parliament will do by us in *Scotland*, as good King *Edward* and his Parliament did by their oppreſſed *English* Fellow Citizens; and as King *Henry VIII.* did by the oppreſſed *Welſh*, when they repealed all ſuch hurtful Remains of thoſe wicked and heatheniſh Lordanſh Innovations and Encroachments on their natural Rights and Liberties, as were then complained of, and (as the abovementioned Book (1) of *Litchfield* expreſſes it) King *Edward the Confeſſor* did awaken, repair, adorn and confirm our ancient *Britiſh* Laws (which were founded on the Laws of God and Nature, and the excellent and equal Laws of the ancient *Roman* Common-Wealth) by which we had been Four hundred Years ruled, before we were curſed with theſe *Flagella Dei* of *Goſtick* heatheniſh Laws and Invaſions, and Lordanſh Governments, which were manifeſt, deviſh Innovations and Encroachments on the everlaſting Laws of God and Nature, and the ancient Laws and Customs of *Britain*.

But the Patrons, Advocates, and other Creatures and Dependents of thoſe wicked Powers, knowing all this to be true, and fearing a fair and open Trial, are, therefore, glad to have Recourſe to whiſpering ſelf-contradictory Lies and Calumnies, and other baſe Evailſons, low Artiſces, and Left-handed Cunning of Faction.

To ſome they pretend, that they are ignorant of thoſe Facts: That they have Reaſon to believe, that they are all meer Chimeras, and not worthy of any Notice or Answer: Beſides (ſay they), thoſe Powers are fundamental and unalterable Rights and Laws, like thoſe of the *Medes* and *Persians*. Whiſt, unto others, who ſee further into the Nature of Men and Things, they ſeem very frankly to acknowledge, That theſe Powers are, indeed, very dangerous Grievances; but, alas! (ſay they) where is the Remedy, ſince the Removal of the Evil is more dangerous than the Evil itſelf? Will it not incenſe all our great Men in *Scotland*, who (ſay they) have the Command of all the People, and who, by themſelves, and their Deputes, educate the People, ſo as to make them believe, that even their preſent ſlaviſh Dependance upon them is their Honour and Liberty, and a Part of our ancient Ariſtocratick *Scotiſh* Conſtitution, as they reaſonably ſuggeſt? But, beſides (ſay they) tho' it is true, that the common People in *Scotland* might ſoon have their Eyes opened, ſo as to diſcover the Tyranny and Ignorance in which they are kept, yet this is an improper Time; let us ſtay 'till ſome more of our greateſt Families in *Scotland* are in Minority, when, conſequently, ſuch powerful Families can be more ſafely dealt with, and more eaſily brought to part with thoſe their pretended, unalterable hereditary little Kingdoms, &c. But, for Godſake (ſay they) don't let us meddle with ſuch mighty Territories and dangerous Powers and Jurifdictions, which ſome of the Owners may think unalterable Kingdoms, eſpecially now, when we are engaged in a War; for (continue they) is it not juſt as ill-timed, and equally ridiculous at this Juncture to propoſe ſuch dangerous Alterations, as it is to propoſe to lay out ſo many Millions on Ten-thouſand Miles of Canals at ſuch a Criſis, when we are not only ſo vaſtly in Debt; but when all our Thoughts and Councils ſhould be directed towards

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(1) *Edwardus Leges antiquas exciatas reparavit; reparatas decoravit, & decoratas confirmavit, &c.*

guarding ourselves against our foreign Enemies, and when it will require all our Money to pay the Interest of our Debt, and to carry on the War with Vigour.

To all which I answer, That how far so ever such Sophisms may pass with the weaker Part of Mankind; yet, to the Wisdom of the Nation (I doubt not but) they must be esteemed to be amongst the strongest Reasons for abolishing those Powers, and for putting in Execution not Ten thousand Miles of Canals at the Expence of the Publick, and all the other Projects hinted at, at once (as they are pleased to suggest) but, by degrees, as the Parliament shall judge meet, and (among other Things) some of the Canals proposed, which I shall demonstrate, may be very cheaply, easily, speedily, and profitably executed, together with some of the other Schemes proposed, towards uniting the Minds and Interests of all our Fellow Citizens against all foreign Efforts, as well as our Factions in *Scotland*, which are vastly more dangerous, and towards enabling us, not only to carry on the War with Vigour, but to shew all foreign Powers, that we can not only do that, but likewise pay off all our Debts easily, and only by increasing our Strength and Industry, and Numbers of well-employ'd and industrious Inhabitants, by extending the Liberty and Happiness of Mankind and our Country: For, surely, nothing is more self-evident, than the Necessity of uniting the Minds and Interests of our People every where at Home, when we are threatened with any kind of Danger from Abroad: And, the greater the Danger can be supposed to be from Abroad; and the more we are in Debt; and the greater the Expence in Blood and Treasure of a necessary War is, or can be supposed to be, the stronger is the Reason for a charitable Union, and cultivating all the Arts of Peace, Trade and Industry; increasing our Numbers, and improving our Product, &c. at Home; which nothing in Nature but extending our Liberties, our *Jura Civitatis Humanae seu Britannicae*; and, consequently (amongst other Things) totally abolishing those exceedingly dangerous and oppressive, private, heretable *Geldick* or *Polish Palatinates* in *Scotland* can do.

For, as nothing under Heaven can encrease Trade and Industry, and draw Numbers of useful and well-employ'd Inhabitants from all Parts, to increase our Strength, and assist us; and can animate and encourage Mankind to be bold and loyal in Times of War, and careful, peaceable, and industrious in Times of Peace, *except Liberty*; and as, the Want of it as naturally produces the quite contrary evil Effects; so it is self-evident, from our own, as well as from the Histories and Experience of all Ages, that no one Thing can possibly occasion and foment all manner of domestick Discontents, Divisions, Depopulations, Idleness, and all other State Evils; and, consequently, can so much encourage any foreign Powers to insult and invade us, as the Hopes they may have of profiting and being able to raise intestine Flames, by means of those very Heretable Powers, of which I complain; inasmuch, that if those Powers were removed, and the Minds of the now discouraged and oppressed Vassals, Freeholders, Tenants, and Commonality in *Scotland*, thereby gain'd, it is clear, to a Demonstration, that all the Power of both *France* and *Spain*, tho' united against us, would as little attempt or hazard to land any Forces in any Part of *Britain*, as we now could reasonably propose to land our Troops with Success on any of their united Dominions upon the *Terra Firma* in *Europe*; whereas it is well known, that while the Governments of *France* and *Spain* were cursed and divided, as we are, with Hereditary Feudal Principalities, Dukedoms and Earldoms, &c. even Handfuls of *English*, and other foreign Troops, by gaining some of these Feudatory Lords into their Interests, did frequently bring all the Powers of *France* and *Spain* to the utmost Extremities: And here I beg it may be considered what was the Cause of the *Roman*, *Saxon*, *Danish* and *Norman* Invasions and Successes in this Island; was it not chiefly our being divided by such-like private Powers—By which *Dum Singuli pugnabant, universi facile Viti?* What else occasion'd the Revolutions of *Sweden*, *Portugal* and *Denmark*, recorded by Lord *Molworth* and *Pere Vertot*? And from what other Cause is *Poland* almost constantly kept in Troubles? So that, tho' it were true, as it is not, that there were some Danger in removing those private Powers, yet, it were to affront the Wisdom and Justice, as well as the Power, Dignity, Resolution and Fortitude, of a *British* King and Parliament, so much as to imagine they would have any Scruple to remove such a fundamental and dangerous constitutional Evil, which must thus obviously appear to be the very chief Hopes of foreign Powers, as well as the chief Support of all more dangerous Factions in *Scotland*; since such a Scruple and Fear would be the same Thing as if one should be scrupulous or afraid to cut out the Bites of Snakes, or mad Dogs, or to take a Vomit, or a Dose of Physick, in Cases where the Safety of one's Life were evidently at Stake.

But it is not true, in Fact, that there is any Danger in removing those Powers and Jurisdictions; the direct contrary is the Truth, *viz.* There is great Danger in not removing them, and all Danger immediately ceases on their being removed.

For tho' it must be acknowledged, that whilst those vast feudal Jurisdictions and military Tenures are suffered in the Hands of a few Families, the Powers of these few Families over upwards of Forty or Fifty Thousand of the best Militia, perhaps now left in the World, must always be extremely formidable, and even dangerous, more especially now, that the Generality of our Fellow Subjects are not, as formerly, equally with them, used to Arms; yet, the removing of those Powers, or any other arbitrary Powers, never was, nor never can, possibly be dangerous to any State; but, on the contrary, as the Amputations of all rotten Gangrenes and Ulcers do bring immediate Relief and Safety to the Body natural, so the removing of those Gangrenes and disordered Excrecences of slavish Power, must bring immediate Ease and Safety to the Body politick. And how can it possibly be otherwise, since all the Vassals and Followers, or rather the forced and oppressed Slaves, of those Jurisdictions (of which this Lordanish Power does only consist) do instantly naturally accrete (*u*) to the State, and, with Joy, fall off from their slavish Dependence; do become grateful to their Deliverers; and fond of their Liber-

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(u) Tantum enim vulgo de publicis malis sentitur, quantum ad privatas res attinet. Tacitus.

ties, and of getting from under this Olygarthick Tyranny, which is certainly the most miserable, as well as most base and vile, of all kinds of State Servitudes?

For, supposing it were true (as some of our Advocates for those Powers treasonably pretend) that the Constitution of *Scotland*, before the Union of the Crowns, was an *Aristocracy*; and granting an *Aristocracy* were the best Form of Government, yet, as *Corruptio optimi pessima*, so an *Olygarthy*, being the Corruption of an *Aristocracy*, is therefore the worst, because the Corruption of the best Kind of Government, and infinitely a greater Tyranny than that of an absolute Monarchy, as the great and able Politician *Tacitus* justly observes, *Paucorum enim dominatum est paucorum Tyrannorum Imperium; hosque uo deteriores, quod malum, quo magis multiplicetur, eo gravior est.*

As I doubt not this will be found perfectly obvious and agreeable to common Sense and Reason, and to the Nature of Mankind and Government; so the universal Experience and Examples of the Histories of this, and all other Nations, in like Cases, do confirm it beyond all reasonable Contradiction or Exception: For, tho' we do frequently meet with Examples, where whole Nations of People (like those of *Scotland* at present) have been so grievously oppressed, as to be afraid to petition or complain publicly, or even to mutter privately their Grievances against their Oppressors, as in the Case of the People of *French Compié*, mentioned by *Julius Cæsar* (*); and tho', in all such Cases, the Generality of the poor People ever were (and must be) so much afraid of the Power of those private Lords over their Lives, Liberties and Properties, as to be even forced to be passive obedient; to obey whatever Orders they receive; and to follow their Leaders even into Rebellion, as long as those more than kingly Powers were, and are, tolerated; and tho', in a more particular Manner, the Generality of the lesser Barons, Freeholders, and Commonality, especially in those remote Parts of *Scotland* (being bred up and habituated from their Infancy in Ignorance and false Notions of implicate Obedience to the Commands of their private Lords, and kept unacquainted with the publick-spirited Principles of *British* Parliaments) are afraid to petition for their Liberties, or to complain of the Tyranny of their Lords, lest their Petitions may be stifled or rejected, as they were before the Union by the universal undue Influence which their said private Lords had in all our *Scotch* Parliamentary, and *Scotch* Privy, Councillory Proceedings; and lest, thereby, they should come to be more grievously oppressed, as I have been, and as many others of the most considerable Families in *Scotland* have been, totally ruined, only for complaining against those wicked Powers; yet, no sooner did the *Roman* Senate, or any other supreme Power, interpose to humble and abrogate those, or any other, such private Tyrannies, but we find that, in all such Cases, without Exception, the whole Subject Vassals and Followers of such Powers (except, perhaps, such of their next Heirs who were tempted with the immediate Hopes of Succession to their said Heretable Jurisdctions) immediately came to be naturally grateful to their Benefactors, and renaciously fond of their Liberties, and (of all others) the most zealous for pulling and keeping down those disnated Powers which had enslaved them.

As the Truth of this appears from the general Thread of the Histories of this and all our neighbouring Nations, without Exception, so nothing in Nature can set it in a truer and stronger Light, than the whole Course of the History of the State of *Scotland*, but more especially in the Years 1651, 1652, 1653, 1654, &c. when *Cromwell*, tho' a Tyrant, Usurper and Murderer, and tho' he had at that Time rendered himself odious to all the different Parties in *Scotland*, and tho' almost all the People in that Country had been often, and, at that very Time, obstinately in Arms against him, yet, by his only abrogating the hurtful Parts of those Heretable Jurisdctions and military Tenures, &c. and by his strict, equal and impartial subordinate Administration of Justice, did instantly render the Body of the People so universally grateful and peaceable, that it was not in the Power of all, or any one, of the great Lords, ever after that Time, to bring their Vassals so much as to attempt any thing against his Government, tho' one and all of the Lords were highly incensed for his cutting off their said Powers, and tho' very few of them had any Court Favours, but, on the contrary, tho' most of them, and their Families, were solely otherwise oppressed, fined and forfeited by him. But this, and several other such convincing Arguments, shall be more particularly explained, if necessary, to lay open to the Publick the miserable State and Situation of *Scotland*, and the partial Execution and Administration of our Laws, and the evil Nature, and other manifold evil Consequences, of those Powers in *Scotland*; when I shall likewise have Occasion to shew, that it is not to be doubted, but all the Heretable Judges (who are not intoxicated with their great Powers) will readily give up those wicked and dangerous *Heretable and strictly entail'd Jurisdctions*, and the rather, because I have myself heard some of them say so; and because I am ready to demonstrate, that it is not only absolutely necessary for the common Peace and Safety of the State, but is the very best and safest Course they can take for the Preservation of themselves, and their Posterity, from continual just State Jealousy, and from manifold dangerous Temptations, to which they and their Families are exposed, by the Possession of such dangerous Precipices of Power, against which few or none are Proof; and which have proved so frequently and universally fatal to most of our considerable Families in *Scotland*, as well as anciently in *England*; when I shall also give my Reasons for choosing thus to appear single, and for which I might have had in this Remonstrance, against the said Heretable Jurisdctions; and likewise shall fulfil my Promise of explaining my Method of greatly improving all Bogs and Flats, as well as other Sorts of low Grounds, on the Sea Coasts; and shall evidently prove, that all the Labour and Expence of the Projects I have hinted at, may be defrayed in Time of War, as well as in Time of Peace; and that they will tend to the great Benefit of the Crown, and of all good Ministers, as well as of the People; and of all the Stock-holders in our great publick Companies, as well as of all particular indifferent Persons. Which minute Discussions, with many other Apologies, tho' they will be

(*) *Æquani, nec in Occulto quidem queri, nec auxilium implorare auderent. Cæsar. Comment. de Bel. Gal. L. 1.* necessary

necessary when I publish my Papers, yet, are less needful, when thus addressing my self immediately to the universal Knowledge and Penetration of Parliament. Besides, tho' I have thought my self in Duty obliged to speak warmly against all Oppressors, to shew that it is lawful to condemn and prosecute, before the Parliament, all Oppressors, however dignified or distinguished; yet, so far am I from having any Desire of Revenge against any one of my Oppressors, that I do once more (y) declare, that notwithstanding all the monstrous ill Usage I have met with, it is still my earnest Desire to avoid (if possibly I can) the ungrateful Office, and extreme Duty and Necessity (if I may so express it) of all particular Explanations of my own and my Country's Grievances, and of all particular publick Accusations, or rather Vindications, and Prosecutions, by thus once more giving my unhappy Fellow Citizens of *Scotland* (who have oppressed me, and violated the Laws, and invaded the Liberties of Mankind and their Country) Warning and an Opportunity of voluntarily doing their oppressed Country, and me, and my said Family, Partners and Creditors, &c. that Justice which otherwise (as I have privately warned them) I am obliged to endeavour to force them to perform, by all manner of lawful Prosecution: And this is one of the Reasons why I have so long avoided (and do still avoid) to state the Case of my own Oppressions particularly, and why I have expressed my self darkly in several Points; for who, but those who are worse than Brutes, would not decline as long as possible to prosecute their own Fellow Citizens? *Nam miserum est, et fortassis omnium Miserissimum, lædi de quibus Vix possumus queri.*

I shall, therefore, only, at present, on this Subject of Heretable, or long continued, great private Powers, further add the following Citations from our publick-spirited Countryman, and able Politician, Mr. *Barclay's* universally esteemed Book, called *Argenis*, purposely wrote on the State of *France*, and dedicated to a King of *France*, while that Nation was in the same miserable and divided Situation, that so great a Part of *Briain*, as *Scotland*, is in at present, which (as the Preface to that Book observes) ought to be an eternal Lesson to all chief Rulers (whether of Monarchies, Aristocracies, or Republicks) never to tolerate such *Private Imperia*, whereof I complain, or (which is the same Thing) never to tolerate great Measures of any kind of monopolizing, or exclusive Powers, Privileges and Prerogatives, either Hereditarily, or for Life, or, indeed, any kind of great Powers or Governments of Provinces, for too long a Term of Years, in the Hands of any private Persons whatsoever; because the Love of Power is the most bewitching and dangerous of all Passions and Temptations, against which few or none are Proof; a Truth which can never be too often repeated: (z) And because it will appear from a serious Consideration of the Histories of this, and all Nations, that all the dangerous Factions, Divisions, civil Wars, Rebellions and Ruin, or Loss of Liberty, of all ancient and modern States, have principally proceeded from this evil Fountain.

This Mr. *Barclay* justly observes; for, upon that truly Good and great Father and Lover of his Country King *Henry IV. of France*, his asking what could be the Cause of the *French* powerful Factions, and frequent Rebellions, against his mild paternal Government; and by what Methods those unnatural Factions and Rebellions were brought about; and how he could prevent them? He is answered by our Author in these Words.

“ *Rebellionum Originem, Causamque tot motuum, qui seculi nostri Pacem turbant, si queris, sciendum quod, Lenitate tua, O Melander* (as he calls the King) *Malignitas factorum in tuas et Patrie Clades abusa est; illa Facilitas, illa Indulgentia in magnates, illa tua tuorumque majorum Incantata in eos profuso prodidit præcipuas imperii Vires, aperuistique Injuris despectam Dignitatem. Qui nam illi sunt? Vide unde processerint quæ illos Machinæ Vestigio suo admovent; utrumque se jactent, majorum tuorum, Beneficio Opes comparere, in præfecturas missi sunt, Regieq; Amicitia indulgentia hoc Culmen condiderunt, ex quo hodie sive ipsi sive eorum posteritiant in Reges: Tua sunt ergo tela quibus laceraveris; sed nec credas inquam fore Causam, et quam Dii Hominesque non probant, se pugnabis pro Regis Dignitate et Patriam a Parricidio prohibebis quia ipsa se furis Maculat. Quod ipsum quoque Trajanus Boccalinus confirmat, cum Immunitates, Prærogativas, Privilegia, Fontem Rebellionum, semen Zizaniorum, Lapidem scandali adpellat. Et sane mihi quoque ab hac una Causa esse videtur, non nisi ad propriam cuiusque Libidinem exactum obsequium, et Regiæ Potestatis vindictis opposita Marmorata, questus, et postremo Remedium ex Armis. Ita Germania, ante in unius Imperatoris reverentiam intentia nunc in varios Dominos lapsa, ipsi pene tota excidit. Olim in Gallia Neustrie, Armoricarum, Aquitanie, Hæduorum, Arcenorum, Provincie, Duces, Comitæque, Viribus suis tui velut precario Obsequio, Regibus obnoxii fuerunt. In Britannia quoque formidabiles Principum Opes atrocibus Regum Cladibus miscuerunt. Hodie denique ea tantum Imperia suis se furis maciant, quæ per Principes et Libertatis Imaginem Studiis et Factionibus trabuntur.*

“ *Remedia si queris, magna Imperia nunquam diuturna facienda, Arces Castellaque Ambitionis Munimenta exscindenda, si Provinciam a te babel, Partem ex ea Delibata quam alii tradas, si Arces aut suas aut Regias, unam ex iis future Fidei pignus cape. Tinebunt alii Spolia dare ad Regiam Gazam, qui nunc contrario voto es, sales, Præsidia audent in Præcium Pacis exigere. Cave autem dare hos Reos precibus Cognatorum qui apud te in illos militarint. Nam vix ulla vulgarior fraus est quam Istorum optinatum non Studio, non vero Affectu, sed veluti Sortibus, se in adversa dividendum Casstra Fratres, Affines, Patruales, hic pro te ille cum factiosis ut Victoria aut Favore in utramlibet Fortunam securi sint. Hos te maxime suspectos habere æquum est, O Rex; et si anxie pro Cognatis suis orant, propemodum Hostes. De Ducibus Factionum hæc Sentiam; sed quid ipsi absque Militum Manu. Hi sunt Sanguis, bi Nervus tumultuum.*

“ *Quaquam*

(y) See my Letter to Sir Robert Walpole, Page 16. and 17.

(z) Ideoque Annua Potestas constituta, ne tanta Potestas mora, vel Solitudine Corrumpetur. Flor.

Diuturna enim imperia multos ad saltum adque ad tentandam Res Novas impellunt. Dio.

Optima enim Libertatis Custodia si Magna Imperia diuturna esse non Sinas. Florus.

Suspensum Gentibus Vultum Senatus Populique Imperium ob Certamina Potentum & Avaritiam Magistratum. Tacitus.

Maxima Libertatis Custodia est, si Magna Imperia diuturna esse non Sinas, & temporis imponatur Modus quibus juris non potes. Livy, Lib. 2. c. 1.

“ *Quamquam recenti Memoria tenes, Rex, quid bi possint Factiones, permittis hic tamen eorum Cunabula et ingenium percenseri. Nam et accendi te volo, vel parari ad Patientiam baud dubie Cladis. Igiur, si quos amas, si quos attollis, præter veterum optimatum Libidinem, tanquam de eorum bonis sit quod largiris excedunt ab Aula, quæruntur se contemptos ; in Arces, in Præsidia, quæ his credidisti, confugiunt. Fortunas Populi descent ; exanimati Regni Sanguine paucas Hirudines repleri ; non ferendum eorum Superbiam qui fascinato Principi illudunt, veterisque et emeritis Stirpes inextincto recentis Potentie gaudio calcant. Frequens hæc quidem (ui nosti) dissidendi est ratio, prorundiq ; ad cretilla Arma, sed et aliæ præterita Cause illis in-genis faciunt Defectionis Audaciam. Dui ipsis largitus, cesses utunque ; Magistratus, Præfecturas, jam Plenis, nec dum tamen Satiatis negaveris : His Arcana omnia non credas ; habeas alios fideiores tibi : Non accesseris Odiis quibus Æmulos decorent : Illico indigni haberi se putant ; Frudentique, tanquam contumelia Violati. Alii, ut reverentiam sibi conciliant, et quid possint Regem admonent ; quæruni Offensionis materiam, et gratis ineunt Consilia in publicam Pacem. Cæterum quæcunque illos occasio tollat in rixam, Viribus quas vos Reges tribuistis Succincti, mox clientes Armatoque inveniunt, eo prolixius quod hæc secedendi Facinora semper inulta sunt, et plerunque Præmia habent. Sic erecti, sic veluti in suo Regno collecti, opiniora ad conciliandam Pacem a vobis Regibus extorquent, quam si ipsis Obsequium et Fides mansisset ; vestro interim auro, vestrisque Stipendiis (quis ferat ?) militant acies quas in vos educunt. Ærario vestro Feroces, aut rationem imperii deposcant a vobis, aut regnandi Modum prescribunt. Vestri coloni sunt, vestri Cives, qui plusquam externis Tumultibus per hæc Bella eruantur. Quid deinde ? Emitis Pacem (Reges) His prodest peccavisse.*

As thele, and many other such, ancient and modern just Characters, Pictures and Descriptions of all private Heretable, or for Life, Generalships, Governments, or long continued exclusive Powers, Monopolies and Prerogatives, &c. will justify my Complaints against them ; so, by way of Apology, for my adventuring without other Help, to lay my Thoughts before the Publick, I shall conclude with another Citation from *Pliny*, the Consul's *Panegyric* on the good Roman Emperor *Trajan*, addressed to the Roman Senate in thele Words.

“ *At ne illud quidem vereor, Patres conscripti, ne gratus, ingratusve videar, prout satis aut parum dixerō, animadverto enim etiam Deos ipsos non tam Accuratis adorantium Precibus quam Innocentia et Sanctitate lætari, graviorcmque existimari qui delubris eorum puram Cassamque Mentem, quam qui mediatum Car-men intulerit.*”

F I N I S.



E R R A T A.

Page 1. last Line but one, for any r. every. Page 2. l. 30. for opposed r. oppressed.